

DELEGATED REPORT

Report by Helen Leach	Date of report: 18/03/2024	Ref: 69326/FUL
Registration: 06/02/2023	LDfC: 30/03/2023	Expiry Date: 08/05/2023
Site Visit: 02/03/2023	Site Notice: 02/03/2023	Press Date: 16/02/2023
Objections: 11	Con Area: BROO	Adv Type: DMD
Reason for Delay: N/A		EIA: NA
		Dec Level: COM
		Stat Class: MADW

Proposal: Erection of single building containing 16 no.dwellings and associated car parking;
Creation of an upgraded vehicular access off Kay Street

Location: Site of former Waterside, Kay Street, Summerseat, Bury, BL9 5PE

Description

The site was last in use as a car park to the former Waterside public house, which was demolished shortly after the boxing day floods. The site was used to store materials and has since been cleared. The site is located within the Green Belt and the Brooksbottoms Conservation Area. The site is accessed from the existing access from Kay Street.

The River Irwell forms the boundary to the north and there are residential properties to the south and west (opposite Kay Street). There is a commercial building and a block of residential apartments to the north on the opposite bank of the River. Both of these buildings are Grade II listed.

Planning consent was granted (63630) for the erection of a single building containing 16 apartments, which would be located on the former car park. The approved scheme comprised a 4 storey building and would be constructed from stone with a zinc clad top floor. The site would be accessed from Kay Street and 28 parking spaces would be provided. This consent has lapsed.

The proposed development comprises the erection of a single building containing 16 apartments, similarly 4 storeys in height and would be constructed from stone with a zinc clad top floor. The site would be accessed from Kay Street and 30 spaces would be provided, which includes 2 accessible parking spaces.

The main difference between the approved scheme and the proposed scheme is that the height of the building would increase by 0.375 metres on each floor to meet the National Design Guide and Building Regulations.

Relevant Planning History

63630 - Erection of single building containing 16 no. dwellings and associated car parking;
Creation of an upgraded vehicular access from Kay Street at land off Kay Street,
Summerseat. Approved with conditions - 9 October 2019

68459 - Variation of condition 2 (approved drawings) following approval of planning permission 63630 - Revision to site plan to accord with approved landscape drawing, Revision to elevations to increase floor to floor heights and lift overrun and Revisions to plans to accord with elevations at Waterside, Kay Street, Summerseat. Withdrawn - 6 February 2023.

69913 - Erection of 5 dwellings with associated road and landscaping and an upgraded vehicular entrance from Kay Street at site of former Waterside, Kay Street, Summerseat.

Received - 11 August 2023.

Adjacent site

62867 - Widening works on the upstream side of Kay Street Bridge, Summerseat, to provide a segregated single carriageway and pedestrian footway (Bridge Extension) at Kay Street bridge, Summerseat. Approved with conditions - 31 July 2018.

Publicity

110 neighbouring properties were notified by means of a letter on 9 February 2023 and a press notice was published in the Bury Times on 16 February 2023. Site notices were posted on 2 March 2023.

10 letters were received, which have raised the following issues:

- Object as the development is totally out of keeping with the conservation area.
- The development is more in keeping with Manchester city centre than this sensitive historic area.
- All the buildings are Victorian and built from stone within the Conservation Area. The properties are mill cottages and The Spinnings - an exceptional listed 1876 Victorian cotton mill. The proposed development should be made/faced with stone at the minimum so it complements the Conservation Area.
- The height and look of the apartment block is totally incongruous with its surroundings.
- Traffic is already a problem in the immediate vicinity with an increased volume of cars travelling through Summerseat.
- The narrow lands and one way bridge are not suitable for the increased volume of traffic that the development would cause - in construction and from occupants.
- Surprised that a flat roofed building could be considered appropriate in this setting.
- There are already queues from Bass Lane to Cliff Avenue in the morning and evening.
- The roads are in disrepair.
- There are delays all the time when using the bridge without adding another entrance/exit to it.
- Environmental impact due to increase in traffic and therefore, pollution.
- The village is used as a cut through for Greenmount, Tottington, Hawkshaw and Ramsbottom to get to the motorway.
- Possible flood risk and impact to the wider village - it has flooded before.
- Another 30 cars plus visitors will have an enormous impact on the village.
- Visitors to the development will have nowhere to park.
- The proposal will affect our view from the rear of the house, which will affect property prices.
- Summerseat is being overdeveloped so builders can attract high prices for the property they build.
- The proposed building has the potential to block out light as it is 4 storeys in height.
- Impact upon the existing drainage system, which is Victorian and flood risk
- The application states 32 parking spaces, but I can only see 28 on the plans. Two spaces per dwelling should be a minimum.
- How much light pollution would affect my house and garden from the flats and lighting for the car park.
- Who would be responsible for the retaining wall at the back of the gardens?
- Spaces 31 and 32 appear to block the access to the bins.
- Would like to see a reduction in the number of flats.
- The Brooksbottom Conservation Area appraisal points out that the area around the Spinnings and the two bridges is "very much part of the character of the village" and all the buildings/bridges are stone built. The bridge that was repaired following flood damage was constructed from stone. The developer should not be allowed to build from concrete blocks.
- If this building is passed in its current form, the Council would be in breach of its statutory duty under the Planning (Listed Buildings and Conservation Areas) Act 1990 as the proposed development does not preserve or enhance the character of the area.

The neighbouring properties and any objectors were notified of revised plans on 20 December 2023.

2 letters have been received, which have raised the following issues:

- Additional 32 cars will increase emissions, pressure on poorly maintained roads and danger to pedestrians.
- Parking in the village can't accommodate visitors.
- Roads in the village are unsuitable for heavy construction traffic.
- Building design is unsympathetic to the area.
- Materials and window styles are thoughtless and low budget in appearance.
- Properties on Hill Street would have a considerable obstructed view and would be overlooked.
- Insufficient provision to support wildlife.
- There is no need for a hole to be cut in the bridge for residents access to the riverside walkway.
- Removal of bicycle storage does not promote a green transport incentive.
- For community cohesion, a riverside walk should be accessible for all.
- Concerned about the increase in traffic, especially if no provision to widen the roads, in particular Bass Lane, which is brought to a standstill in mornings and evenings.
- From the plans, I am unable to see how vehicle access has been improved other than a wider entrance.
- Concern about loss of light to the houses on Kay Street and Hill Street.
- This planning permission per se is confusing, as the previous plans focused on the building of 4/5 houses, which to my knowledge have been advertised on Rightmove.

The objectors have been notified of the Planning Control Committee meeting.

Statutory/Non-Statutory Consultations

Traffic Section - Comments to be reported in the Supplementary Report.

Drainage Section - Comments to be reported in the Supplementary Report.

Environmental Health - Contaminated Land - No objections, subject to the inclusion of conditions relating to contaminated land

Environmental Health - Air Quality - No objections, subject to the inclusion of a condition relating to electric vehicle charging.

Environmental Health - Pollution Control - No comment.

Public Rights of Way Officer - No objections.

Conservation Officer - No objections, subject to the inclusion of conditions relating to natural stone, landscaping and street furniture.

Waste Management - Need to consider how large eurobins would be emptied without damaging cars.

GM Ecology Unit - Comments to be reported in the Supplementary Report.

Environment Agency - No objections, subject to the inclusion of conditions relating to invasive species and finished floor levels.

Designforsecurity - No response received.

United Utilities - No objections, subject to the inclusion of condition relating to foul and surface water drainage.

Pre-start Conditions - Awaiting confirmation that the applicant/agent agrees with the pre-commencement conditions.

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
EN1/4	Street Furniture

EN2	Conservation and Listed Buildings
EN2/1	Character of Conservation Areas
EN2/2	Conservation Area Control
EN2/3	Listed Buildings
EN5/1	New Development and Flood Risk
EN6	Conservation of the Natural Environment
EN6/1	Sites of Nature Conservation Interest SSSI's NNR's
EN7	Pollution Control
EN7/1	Atmospheric Pollution
EN7/2	Noise Pollution
EN7/5	Waste Water Management
EN8/2	Woodland and Tree Planting
EN9/1	Special Landscape Areas
OL1/2	New Buildings in the Green Belt
OL1/3	Infilling in Existing Villages in the Green Belt
OL5/2	Development in River Valleys
HT2/4	Car Parking and New Development
HT5/1	Access For Those with Special Needs
HT6/2	Pedestrian/Vehicular Conflict
SPD8	DC Policy Guidance Note 8 - New Buildings in the Green Belt
SPD11	Parking Standards in Bury
SPD6	Supplementary Planning Document 6: Alterations & Extensions
SPD1	Open Space, Sport and Recreation Provision
RT2/2	Recreation Provision in New Housing Development
NPPF	National Planning Policy Framework

Issues and Analysis

The following report includes analysis of the merits of the application against the relevant policies of both the National Planning Policy Framework (NPPF), the adopted Bury Unitary Development Plan (UDP) and the Places for Everyone Joint Development Plan (PfE), 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 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.

Principle - Green Belt - NPPF Chapter 13 - Protecting Green Belt Land and OL policies of the UDP set out the national and local considerations of development within the Green Belt. UDP Policies are largely consistent with the NPPF and therefore hold significant weight. The policies of the NPPF hold substantial weight in terms of the consideration of development within the Green Belt, not least as these policies are more up to date than the UDP.

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

Paragraph 154 states that the construction of new buildings in the Green Belt should be regarded as inappropriate unless it meets the following exceptions:

- 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) 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, whether redundant or in continuing use (excluding temporary buildings), which would:
 - not have a greater impact on the openness of the Green Belt than the existing development; or
 - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable.

Para 155 states that certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are:

- a. mineral extraction;
- b. engineering operations
- c. local transport infrastructure which can demonstrate a requirement for a Green Belt location;
- d. the re-use of buildings provided that the buildings are of permanent and substantial construction;
- e. material changes to the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and
- f. Development brought forward under a Community Right to Build Order or Neighbourhood Development Order.

Paragraph 153 of the NPPF states that when considering an 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.

Policy OL1/2 states that the construction of new buildings within the Green Belt will be inappropriate development unless it is for agriculture, forestry, essential facilities for outdoor recreation, limited extensions of existing dwellings and for other uses of land which do not conflict with the purposes of including land in it. Proposals for buildings, which do not fall into one of the above categories are inappropriate development and will only be permitted in special circumstances.

Policy OL1/3 states that in all named villages which lie within the Green Belt, limited infill development may be permitted, provided that it is in scale with the village and would not adversely affect its character or surroundings.

The application site is located within Summerseat village, which is named village for the purposes of Policy OL1/3 and the site is a vacant brownfield plot with built development to three boundaries (north, south and west) and the land to the east rises steeply, creating a physical barrier. As such, the proposed development would be considered to be an infill plot in accordance with Policy OL1/3 and bullet point e) of paragraph 154 of the NPPF.

Limited Infilling - The term 'limited infilling' is not specifically defined within the NPPF but would generally refer to gaps of land that may be capable of development without prejudicing Green Belt objectives. It may include forms of development other than frontage infilling, as long as the development would be in keeping with the village's character maintaining openness.

The agent has cited examples in the north west region, where applications for 23 dwellings has been found to qualify as 'limited infilling' in the Green Belt. This entails assessing each proposal on its merits and in relation to its surroundings.

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

Bury's Strategic Housing Land Availability Assessment sets out the latest housing supply position, which is made up of sites that have an extant planning permission and sites that have potential to obtain planning permission in the future. This shows that there are a number of sites within the Borough with the potential to deliver a significant amount of housing. However, not all of these sites will contribute to the deliverable land supply calculations as many sites will take longer than five years to come forward and be fully developed (e.g. some large sites could take up to ten years to be completed). As such, latest monitoring indicates that the Council is unable to demonstrate a four or five year supply of deliverable housing land when assessed against the Local Housing Need calculated using the standard method set out in Government guidance. However, the joint Places for Everyone Plan is at a very advanced stage and is considered to have significant weight in decision making. Using the targets and sites in PfE the Council is able to demonstrate a 5 year supply, 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.

However, the application site is located in the Green Belt and the tilted balance does not 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 would be located within the named village and there are residential properties on both sides of the river. As such, the proposed development would not conflict with the surrounding land uses. The site was previously used as a car park and public house and as such, is a brownfield site. Therefore, the proposed development would be acceptable in principle and would be in accordance with Policy H1/2 of the Bury Unitary Development Plan and the NPPF and brownfield site in the Green Belt.

Layout and impact upon surrounding area - The siting, scale and design of the proposed building has been carefully considered in relation to the physical constraints of the site, the wider Conservation Area and pre-existing built form.

The footprint of the building would be 410 square metres, which would be significantly less than a typical housing development (on the site). The proposed building would be located some 22 metres from the site frontage to ensure that the wider views of the Spinnings building would not be obscured. The proposed site plan indicates that the proposed building would sit comfortably within the plot with a sizeable landscaped curtilage to the east and the landscaped car park to the west equally visible from wider public views.

The proposed building would be four storeys and 13.1 metres in height. As such, the proposed building would be 6.5 metres lower than the Spinnings building and would be only 5 metres higher than a standard 2 storey dwelling. As such, the proposed development is considered to be low density in built form terms and would not introduce an imposing building into the area.

The proposed development would be set back from the site access, would be relatively low profile and would maintain existing and create public views of the adjacent Listed Building and landscape. As such, the proposed building has been designed to minimise the impact upon the landscape and setting and maintain wider views of the valley from the public arena.

Given the location of the site within the context of the streetscape and the village, the size of the plot, the scale of the proposed development, it is considered that the proposed development would constitute limited infill development in line with the principles of bullet point e) of paragraph 154 of the NPPF and UDP Policy OL1/3.

Places for Everyone - PfE is a joint plan covering nine of the ten Greater Manchester districts, including Bury, and is intended to provide the overarching framework to strategically manage growth across the boroughs. PfE was published in August 2021 and subsequently submitted to the Secretary of State in February 2022. Inspectors have been appointed to carry out an independent examination of the Plan with the hearing sessions concluding in July 2023. The examination of the plan is on-going.

Whilst PfE cannot be given full weight until it is adopted, its advanced stage of preparation means that it is now considered reasonable that the Plan (as proposed to be modified) should be given weight in the decision-making process in line with paragraph 48 of the National Planning Policy Framework. Consequently, the principle of this application has been considered against the Plan (as proposed to be modified) and reference to policies and proposals are outlined below where these are considered relevant.

Policy JP-H3 (Type, Size and Design of New Housing) states that development should incorporate a range of dwelling types and sizes. It states that residential developments should provide an appropriate mix of dwelling types and sizes reflecting local plan policies, and having regard to guidance and relevant local evidence.

Policy JP-G3 (River Valleys and Waterways) seeks to retain the open character of river valleys avoiding fragmentation, avoiding prominent developments on valley edges, and reducing flood risk. Ensure that development relates positively to nearby rivers and other waterways, taking advantage of opportunities to integrate green infrastructure through:

- a. High quality frontages to the water; and
- b. Public realm frontages alongside the water for both recreation use and maintenance access.

The proposed development would involve works to the wall and riverside, which were damaged during the flood event in 2015. The proposed works would result in an improvement to the setting adjacent to the River Irwell. Therefore, the proposed

development is considered to be in accordance with Policy GP-G3.

Policy JP-G10 (The Green Belt) seeks to protect land designated as Green Belt and re-states the five purposes of Green Belt land. It also states that the beneficial use of the green belt will be enhanced where this can be achieved without harm to its openness, permanence or ability to serve its five purposes.

As such, the position with regard to both national and local policy is unchanged.

Design and layout - The proposed four storey building proposes that the top floor would be smaller in terms of footprint from the rest of the building and set back from all sides creating an upper penthouse. The plans have been amended during the course of the application and the proposed building would be constructed from stone with the top floor being zinc cladding. The use of stone would match the surrounding buildings and local context whilst the use of zinc would represent a clear modern, sympathetic addition. This is considered to be appropriate.

The proposed openings would be located at regular intervals and the rhythm of the openings would have a similar appearance to a mill, which given the industrial heritage is appropriate. The use of materials, floor to ceiling windows, cills, recessed areas and the recessed top floor would add visual and a modern interest to the elevations. Therefore, the proposed development would not be an inappropriate feature in the streetscene.

An area of amenity space would be provided to the rear of the site, which would provide a suitable level of private amenity space for users of the development. The proposed bin store would be internal to the main building and would be located adjacent to the car park. It would be large enough to accommodate the refuse bins. One of the parking spaces has been removed to ensure that the large eurobins could be emptied without damaging cars, is accessible and has therefore, addressed the concerns from Waste Management.

The existing riverside wall and metal railings would be cleared of self-seeded foliage and made good. New metal railings to match the existing railings would be installed between the existing railings and the wall adjacent to the bridge parapet. As such, the proposed boundary treatments would not be an inappropriate or prominent feature in the streetscene and would be sympathetic with the existing features. Therefore, the proposed development would be in accordance with Policies EN1/2, H2/1 and H2/2 of the Bury Unitary Development Plan.

Heritage issues - Sections 66 and 72 of the Town & Country Planning (Listed Buildings & Conservation Areas Act) 1990 imposes a statutory duty upon the Local Planning Authority (LPA) to recognise, positively manage and ensure the preservation or enhancement of Listed Buildings and Conservation Areas.

The NPPF sets out the Government's planning policies and one of the core planning principles states that planning should 'conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.'

Paragraph 203 of the NPPF states that when determining applications, local planning authorities should take account of;

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 205 states that when considering the impact of a proposed development on the

significance of a designated heritage asset, great weight should be given to the asset's conservation and the more important the asset, the greater the weight should be. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 208 states that where a development proposal will lead to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

The application site is located in the Brooksbottoms Conservation Area and the two buildings (The Spinnings and the Gatehouse) on the opposite side of the River Irwell are Grade II listed and physically separate from the site. As such, the impact upon the Listed Building and Conservation Area would carry significant weight.

The application site was last used as the car park for the former Waterside building, which was demolished in December 2015 following significant structural failure. Since the Waterside was demolished the site has remained vacant and is surfaced in poor quality tarmac which stems from its previous use as a car park. There is a stone abutment wall adjacent to the river, where the Waterside sat above, which is in a poor condition and is a remnant of a collapsed structure. As such, the site presently makes a negative contribution to the character and appearance of the conservation area.

Existing character - Brooksbottoms Conservation Area lies on the River Irwell by the mouth of Gollinrod Gorge and has two distinct character areas - a mixture of late 18th, 19th and 20th century stone & brick houses and education and ecclesiastical buildings on a thoroughfare (known as Rowlands) and a development of the cotton industry from the late 18th and early 19th century and consists of larger industrial buildings, rows of small terraces and structures associated with the railway (Brooksbottom). The application site forms part of the Brooksbottoms area, which reflects the harsher character of the Industrial Revolution and is dominated by the four storey Brooksbottom Mill (now The Spinnings). The mill is surrounded by small terraces of workers housing and the railway viaduct. There is a visual harmony from the use of a limited palette of natural building materials, largely locally derived stone with stone or slate roofs.

Brooksbottoms Mill forms an important part of the conservation area and consisted of The Spinnings, which is located on the northern bank of the River Irwell along with the office (now known as the Gatehouse) and two storey canteen block (the Former Waterside public house). All three buildings were Grade II listed buildings, although the Waterside building was demolished in December 2015 following the flooding.

The Spinnings Building is a substantial four storey high Listed Building and consists of 19 bays across the front elevation, topped with a parapet which hides a shallow double-pile and hipped roofs. The key attributes of the Mill are its architectural interest, particularly the south and west elevations, historic interest and group value with the Hoyles Manchester Building. The mill building was converted to residential apartments and the associated weaving sheds, spinning section and chimney were demolished at this time. Following the demolition of the Waterside pub, new views have opened up along Kay Street of the Spinnings building. The Mill is bordered on the south side by the River Irwell which has thick tree growth along both banks to the east in the Gollinrod Gorge.

Impact of proposed development upon significance

CONSERVATION AREA - The apartment building has been set as far east on the site as possible to ensure that the newly-opened up views of The Spinnings from Kay Street remain open. The parking has been set along the southern boundary and on the west side, will be bordered with a stone wall by the road and will be landscaped with new planting. There would be a stone-paved riverside walkway along the north side to allow views along the river. Trees to the south-west and south-east would be retained and would provide screening from Hill Street. The river wall, damaged when the pub collapsed and during the

subsequent demolition work, would be repaired/reinstated.

The apartment building would be four storeys in height and around ten parking bays in width, although the arrangement of windows is different across the long north and south elevations, which would be acceptable. Whilst the proposed building would be 0.375 metre higher than the building that was previously approved, its overall height and massing would be less than that of the historic Mill (The Spinnings). It has been designed in a simple contemporary style and would be built in coursed stone with ashlar features, to reflect local building materials, with a dark-grey matt zinc for the upper floor and roof. The rhythm of the fenestration reflects the regular groups of windows of the south elevation of the facing mill building. The entrances are on the south side, which would make the side active, and the north side windows provide passive surveillance.

The lift shaft has been reduced in size by just under a third and has been set further back into the building footprint. Given the levels, the proposed lift shaft would not be visible from the opposite bank of the River Irwell (Waterside Road) and only the top section would be visible from Kay Street at a distance. This would have a minor intrusion on the form, but given how the shaft protusion has been amended, this element now would not be obtrusive in any way to the design or surrounding area.

LISTED BUILDING - Again, the proposed building would be located on the opposite side of the river and as far east as possible to avoid impacting upon the view and setting north eastwards from Kay Street towards the listed buildings. The proposed building is 4 storeys in height, although the top floor is smaller in footprint and set back appearing visually subservient. The listed buildings were historically set within a complex of large industrial buildings on the north side of the river. The proposed development would be lower than the listed building with a smaller footprint and the top floor would be constructed in a dark coloured material to help it recede from the longer range views. The proposed building has been designed in a simple palette of materials, which are sympathetic and not challenging to the listed buildings and the surrounding area.

The separation of the site from the buildings opposite would be maintained by the river and thus not challenging in form, position or upon the listed building's curtilage. As such, the impact of the proposal on the setting of the listed buildings is considered to be neutral and would preserve the setting of the listed building.

Conclusion - The current condition of the application site impacts negatively on the character and appearance of both the Conservation Area and the listed buildings. The Conservation Officer has no objections, subject to the inclusion of conditions relating to natural stone, landscaping and street furniture. The proposed development would preserve the recently created public views of the listed buildings and would bring the vacant brownfield land back into beneficial use. The proposed development would preserve and enhance the character of the Conservation Area and would be appropriate in terms of scale, materials and design. The proposed development would preserve the setting of the listed buildings. Therefore, the proposed development would be in accordance with Policies EN1/2, EN2, EN2/1, EN2/2 and EN2/3 of the Bury Unitary Development Plan and the NPPF.

Impact upon residential amenity - SPD6 provides guidance on aspect standards between residential properties and new development and as such, is useful to consider in this case.

The aspect standards states that there should be a minimum of 20 metres between directly facing habitable windows and 13 metres between a habitable room window and a two storey blank wall. If there is an additional storey in height or difference in levels of 2.5 metres, a further 3 metres should be added to the aspect standard.

The existing dwellings on Hill Street are at a higher level than the application site. There would be a minimum of 27.4 metres between the proposed development and the dwellings

on Hill Street and 34.2 metres between the proposed development and the dwellings on Kay Street. Both of these distances would be in excess of the 26 metre aspect standard.

There would be 29.8 metres between the proposed development and the gatehouse building and 40.1 metres between the proposed building and The Spinnings. Both of these distances would be in excess of the 26 metre aspect standard.

The proposed development is considered to follow the villages historic form in the context of layout. Therefore, the proposed development would not have a significant adverse impact upon the amenity of the neighbouring properties.

Trees - The proposed site plan indicates that 11 trees and 1 group of trees would be removed as part of the proposed development. All of the trees to be removed are category C or U and as such, are of low quality. Trees would be retained in the south west corner of the site near the entrance and in the south east corner of the site. In addition, 7 further trees would be planted as part of a landscaping scheme, which would be conditioned. As such, the proposed development would not be detrimental to the character of the area and would be in accordance with Policies EN8 and EN8/2 of the Bury Unitary Development Plan.

Ecology - An ecological report was submitted as part of the application, but was undertaken some time ago. However, the site is primarily tarmac, with likely changes limited to natural succession. The applicant has provided an updated ecological assessment and comments are awaited from GM Ecology Unit. The comments will be reported in the Supplementary Report.

Flood risk - The application site is in flood zone 2 and the primary source of flooding would be from the River Irwell immediately adjacent.

The proposed residential dwellings would be classed as more vulnerable, which are considered to be appropriate development as defined by the flood risk vulnerability classification of the technical guidance to the NPPF.

A sequential test has been undertaken and Summerseat, Greenmount and Holcombe Brook were searched for suitable alternative sites. Five sites were assessed, but these were not considered to be reasonably available for reasons including green belt, flood risk, and their availability or lack of. As such, there is not another site, which could reasonably provide a similar scale of development in a lower flood zone.

The Flood Risk Assessment (FRA) states that the site would not experience flooding during the 1 in 100 year flood event, the 1 in 100 year plus 30% climate change event and the 1 in 100 year plus 35% climate change flood event. The extreme 1 in 1000 year flood event would flood the lowest part of the site to a maximum depth of 0.14 m.

The proposed finished floor level for the proposed building should be set at 109.22m AOD. This would be 0.94 metres above the 1 in 100 year plus 35% climate change flood level and 0.48metres above the 1 in 100 year plus 70% climate change flood level.

The access route into and out of the site would be located in flood zone 1 and as such, would remain dry during a 1 in 100 year flood event and in the extreme 1 in 1000 year flood event.

The Environment Agency has no objections to the proposed development subject to conditions relating to finished floor levels and a method statement for the removal of invasive species.

Therefore, the proposed development would be acceptable and would be in accordance with Policy EN5/1 of the Bury Unitary Development Plan and the NPPF.

Highways issues - The proposed development would utilise the same access point that served the car park. The proposed plans indicate that appropriate levels of intervisibility can be achieved and turning facilities would be provided.

Since the previous application for residential development was approved, the works to the adjacent bridge, which include the provision of a footpath and boundary wall have been completed. The proposed development would leave a gap between the existing boundary wall and the proposed boundary wall, which would serve as a pedestrian access to the site and the riverside walkway.

Amended plans are to be submitted to show the junction arrangements and the position of a segregated footway and further comments will be reported in the Supplementary Report. Therefore, the proposed development would be in accordance with Policies H2/1, H2/2, EN1/2 and HT6/2 of the Bury Unitary Development Plan.

Parking - SPD11 states that the maximum number of parking spaces is 2 spaces per 1 bed and 2.5 spaces per 2 bed dwellings as the site is located in a low access area. This equates to 38.5 spaces.

The proposed development would provide 31 spaces and bicycle storage for 4 bicycles. This would equate to 1 space per unit and 15 spaces for visitors. Whilst the site is located within a low access area, the village is served by a bus service, which operates on an hourly basis. Taking these provisions and the car parking spaces provided, it is considered that the level of car parking would be acceptable in this case. Therefore, the proposal would be in accordance with Policy HT2/4 of the Bury Unitary Development Plan and SPD11.

Planning obligations - A contribution for recreation provision would be required of £24,991.20 in accordance with Policy RT2/2 of the Bury Unitary Development Plan and SPD1 and 2 affordable units would be provided in accordance with the NPPF. These provisions would be secured through a section 106 agreement.

Conclusion - Overall, the site represents a brownfield site within the Green Belt, which is located within a Conservation Area and in proximity to Listed Buildings.

The redevelopment of a brownfield site is encouraged in the NPPF with the checks and balances of ensuring that there is no harm on openness as a result of development. It is considered that this development would, as infill, not cause harm on openness by reason of scale, siting and positioning.

The development would provide and contribute to much needed housing supply in the borough.

In considering the heritage issues, the current appearance and contribution of the site is considered to be partly neutral (cleared area) and negative in terms of the river wall. The Conservation Area, Listed Buildings and setting are considered to hold significant weight in the consideration of development. However, the carefully considered form, scale, positioning and assimilation of the proposed development in the existing context is appropriate, and would preserve the character of the Conservation Area and the setting of the Listed Buildings.

The layout, scale and form of the proposed development is appropriate to the character of this village and would be suitably serviced in terms of amenity space, car parking and access. Flood risk has been appropriately considered and there are no objections from the Environment Agency. Ecology and landscape equally would not be impacted upon negatively.

Given the above, it is considered that the scheme would be appropriate.

Response to objectors

- The issues relating to traffic, parking, design, height, the impact upon the conservation area and listed buildings, the impact upon residential amenity, trees, drainage, flood risk and Green Belt have been addressed in the main report.
- The plans contain sufficient detail for an application of this nature.
- The proposed development would be constructed from stone with a zinc clad roof, which would match and as appropriate complement the existing properties in the village.
- The issue of whether the building of this height and mass can be constructed on this site would be a matter for Building Regulations and is not relevant for planning.
- The Council has to assess the scheme submitted, which is for a block of apartments. The policy position has not changed with regard to the fact that a similar development had been granted on this site previously.
- The application is determined on whether the development proposals are acceptable and not who the applicant is, or their actions.
- Environmental Health - Air Quality Team have no objections to the scheme in relation to pollution, subject to the inclusion of a condition relating to EV charging points, which would reduce pollution from vehicles.
- The loss of view and impact upon property prices are not a material planning considerations and cannot be taken into account.
- Space 32 has been deleted to ensure access for the bins to be emptied/assessed.
- Revised plans are expected to show that the gate in the wall has been relocated to the south of the existing wall.
- Storage for 4 bikes would be provided adjacent to the site entrance.
- Sites can have multiple planning permissions. However, no decision has been made on application 69913, which is for 5 dwellings.

UPDATE - 18/03/2024

The applicant has failed to provide a costs undertaking for the legal agreement and as such, has failed to progress the legal agreement via s106 to secure the recreation provision and affordable housing. No communication has been provided to indicate that the agreement would be signed. As such, the proposed development would fail to provide for the recreational needs of the prospective residents, which would be required to make the development acceptable in planning terms, which would conflict with Policy RT2/2 of the Bury Unitary Development Plan and SPD1. The proposed development would fail to provide 2 affordable units as required by Paragraph 64 of the NPPF. As such, the proposed development would conflict with Policy H4/1 of the Bury Unitary Development Plan and the NPPF.

Therefore, the proposed development would not provide appropriate recreation provision or affordable housing and the recommendation is amended to refuse the application.

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: Minded to Approve

Conditions and Reasons:

- 1 The development has failed to meet the recreational needs of the prospective residents and would conflict with Policy RT2/2 - Recreation Provision in New Housing Development of the Bury Unitary Development Plan and SPD 1 - Open Space, Sport and Recreation Provision in New Housing Development.
- 2 The development has failed to provide 2 affordable units and would conflict with Policy H4/1 - Affordable Housing of the Bury Unitary Development Plan and Paragraph 64 in Section 5 of the National Planning Policy Framework.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
HL - 18/03/2024			