
SUPPLEMENTARY PLANNING DOCUMENT 7

Managing the Supply of Housing Land in Bury

REVISED JANUARY 2009



This guidance note is aimed at developers and providers of new housing and the contents are as follows:

- Introduction
- Background
- Policy Context / Framework
 - Planning Policy Statement 3: Housing
 - Regional Spatial Strategy for the North West
 - Bury Unitary Development Plan
- Supply of Housing Land in Bury
- Further Release of Land for Housing

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PRE-TEXT

This pre-text to Supplementary Planning Document 7 sets out the details of the consultation and publicity steps that were undertaken during the preparation of this Supplementary Planning Document (SPD)

This Supplementary Planning Document (SPD) is intended to support policies contained in Bury's adopted UDP (adopted 31st August 1997). In particular, the SPD supports the aims of UDP Policy H1/2 – Further Housing Development, which identifies the main issues to consider for planning applications for housing development on sites that are not specifically allocated for residential use. This Document provides a more formal basis to advice which is given to applicants on a regular basis and is now a material consideration in the determination of planning applications.

The Council is currently working on the production of the Local Development Framework (LDF) and this SPD will be reviewed in accordance with the introduction of new policies through the LDF process.

This revised SPD was approved for consultation purposes by the Council's Executive on the 3rd September 2008. This was after a period of internal consultation with Officers in various Sections of the Council. Views were sought from members of the public and private organisations and relevant interest groups over a five week period commencing on the 15th September 2008 to 20th November 2008. Copies of the draft SPD and associated documents were placed at the locations referred to in the Press Notice including the Planning Division Reception, Bury Town Hall and all the public libraries during their normal opening hours.

The draft SPD was revised in the light of the comments received through the consultation process. The revised version went to the Council's Executive on the 14th January 2009 and was formally adopted.

In accordance with the requirements in PPS12, a Statement of Consultation was produced, which outlined the representations received and the Authorities response to these. This statement is available for inspection on request, together with the adopted version of the SPD.

This SPD has also been subject to a Sustainability Appraisal, as required by the Planning and Compulsory Purchase Act 2004 and the Town and Country Planning (Local Development) (England) Regulations 2004.

Any queries you may have regarding this Note, the Bury UDP or Bury's Local Development Framework should be directed to the Planning Policy Team on 0161 253 5306.

1 - INTRODUCTION

- 1.1 The Council monitors the supply of housing land on a continuous basis and has recently produced its Strategic Housing Land Availability Assessment 2008 (SHLAA), which identifies sites that are already committed through the planning process (i.e. sites that are under construction, have an extant planning permission or are allocated for residential purposes). It also identifies potential sites where housing could be delivered over the longer term to meet the housing needs over the plan period of the emerging Local Development Framework (LDF).
- 1.2 The results of the SHLAA show that sufficient housing land is committed or has the potential to come forward within the next five years to meet the new Regional Spatial Strategy (RSS) housing requirements for Bury (i.e. 500 dwellings per annum). The results also indicate that sufficient sustainable sites have been identified within the urban area, primarily on previously developed land to meet, the longer term housing requirements.
- 1.3 The LDF will use the SHLAA as an important part of the evidence base as it goes through the various stages to adoption. A fundamental element of the LDF will be to ensure that sufficient housing land will be provided to meet the housing requirements and that it will include the policy basis for the delivery and management of housing land release.
- 1.4 However, the LDF is not due for adoption until Summer 2010 and in the interim period between now and then, it is important that there is clear guidance to manage the release of housing land. Saved Planning Policy H1/2 – Further Housing Development within the Bury Unitary Development Plan (UDP), sets out the broad policy basis for assessing planning applications and proposals involving residential development within Bury. This guidance note provides additional advice on this Policy to those considering or dealing with residential developments in Bury including Development Control Officers, architects, planning agents, landowners and developers.
- 1.5 In addition, RSS forms part of the local Development Plan and this guidance note also seeks to supplement the main policy implications for residential land release in Bury that RSS imposes.

2 - BACKGROUND

- 2.1 The previous versions of this SPD date back to the 7th April 2006, when it was first adopted to control and manage the supply of housing land. This was a direct result of a situation of housing oversupply in Bury and the significant implications that this over supply had on regional and local regeneration priorities.
- 2.2 The policy climate that existed when the SPD was first introduced has changed significantly. At the national level Planning Policy Guidance 3:Housing (PPG3) has been replaced by Planning Policy Statement 3:Housing (PPS3). Whilst much of the same key objectives remain in PPS3, including the need to ensure that everyone has access to a decent home, there is now much more emphasis

on ensuring housing delivery and identifying sufficient housing land over longer periods.

- 2.3 More importantly, at the regional level, the RSS has been replaced and has introduced higher housing requirements for Bury – as it has across the rest of the North West. Like national guidance on housing, the new RSS places considerable emphasis on housing delivery. It has been made clear that the new housing requirements should no longer be treated as maximums and that they can be exceeded in any year. This is a considerable shift from the previous RSS, which sought to ‘minimise the amount of land released for housing’.
- 2.4 Accordingly, this revised SPD seeks to amend much of the original restrictive nature of the SPD to reflect the policy shift at the national and regional level. The SPD still seeks to manage the supply of housing land to ensure that a significant oversupply of housing land does not emerge against the new RSS figures and that ‘new housing development does not have an adverse cumulative impact on the existing housing stock and market’, as advocated in RSS. Housing development will therefore be continued to be managed to ensure compliance with Policy H1/2.

3 - POLICY CONTEXT / FRAMEWORK

Planning Policy Statement 3 – Housing

- 3.1 National policy guidance relating to housing is contained in Planning Policy Statement 3 (PPS3). One of the main thrusts of PPS3 is to ensure that the housing requirements of the whole community are met (including affordable housing and other specialised housing needs), whilst securing an urban renaissance by prioritising the development of suitable previously developed sites. In line with this, local authorities are encouraged to work together to create more sustainable patterns of development in ways which exploit previously developed land in the most accessible areas.
- 3.2 PPS3 states that the level of housing provision should be determined at the strategic level by Regional Planning Bodies. Regional Spatial Strategies should set out the overall provision of housing land, which should be used by local authorities within their LDFs.
- 3.3 Paragraph 35 of PPS3 states that Regional Spatial Strategies should set out the approach to land release across the region including arrangements for managing the release of housing land. The LDF will set out the policy context for these management arrangements as it emerges.
- 3.4 PPS3 requires authorities to identify and maintain a rolling five-year supply of deliverable land for housing, which will need to be taken into account when making planning decisions. The guidance contained in this note takes account of the advice in PPS3 and the Council will seek to ensure that a rolling five-year supply of deliverable housing land can be demonstrated. If there is a situation where a five year supply of deliverable housing land cannot be demonstrated, then the Council may relax the supplementary advice in this note to allow

further housing sites to come forward. However, proposals would still need to be assessed against other policies and material considerations.

- 3.5 The Council is aware that PPS3 requires specific sites and broad locations to be identified to meet housing growth for 15 years after the LDF is adopted. The Council will seek to do this as part of the LDF process but this is not in the remit of this guidance note.

Regional Spatial Strategy for the North West - RSS

- 3.6 RSS was published in September 2008, replacing the version that was published in March 2003. A large part of the policy context for housing development has remained in the new RSS, with emphasis continuing to remain on:
- promoting sustainable communities;
 - reducing the need to travel;
 - making the best use of existing resources and infrastructure, including prioritising the use of previously developed sites before the release of greenfield land;
 - conserving and improving the natural and built environment; and
 - prioritising growth for development in the regional centres and areas in need of regeneration, particularly the Housing Market Renewal Areas.
- 3.7 However, there are significant differences in the new RSS that have resulted in the changes made to this revised guidance note. The main difference is the increase in the housing requirements, from 230 dwellings per annum to 500 dwellings per annum (an increase of 117%). The base date for making provision for these housing requirements has also changed slightly from 2002 to 2003. These are statutory housing requirements which the LDF will need to cater for over the plan period and against which the five-year supply will be assessed.
- 3.8 The publication of the RSS effectively reduces the number of years supply that is available from deliverable sites (i.e. those expected to develop housing in the next five years) from 24 years to just over 7 years, using the 1st April 2008 as the base date. The justification for the previous restrictions in this guidance note have therefore been eroded as a significant oversupply of housing land no longer exists.
- 3.9 In addition, it has been made clear that the Government does not consider the annual housing requirements to be a maximum figure that cannot be exceeded on an annual basis. This element of RSS also removes much of the justification for the previous restrictions contained in this note, as emphasis is now directed on securing housing growth. However, RSS figures (both annual and overall) will only be allowed to be exceeded where this is justified by evidence of need, demand affordability and sustainability, and where there would be no conflict with local and sub-regional strategies.
- 3.10 It should be noted, that RSS still replicates the 'plan, monitor and manage' approach outlined in PPS3 in that it stresses the need to secure an orderly and managed approach to the release of housing land. The Council is committed to

regular monitoring of housing supply and where this monitoring indicates that the cumulative supply of housing land is likely to harm regional or local regeneration priorities or impact on the existing housing stock or housing market, then this may trigger a further review of this guidance note.

Bury Unitary Development Plan

- 3.11 Under new planning legislation, the policies within the Bury Unitary Development Plan (UDP) have been 'saved' until they are replaced by the LDF. Therefore, they continue to be the policies against which supplementary planning guidance and any new supplementary planning documents are linked to.
- 3.12 This SPD is designed to support UDP Policy H1/2 – Further Housing Development, which sets out the broad criteria for assessing proposals for residential development on sites that are not allocated for residential use. This guidance note effectively supplements this policy and the criteria within it to provide more detailed guidance for those dealing with issues relating to housing development in the Borough. It is important to provide this detail to help manage and direct future housing development to those areas that are considered suitable, until the LDF process can implement detailed phasing policies to manage housing growth over the plan period.
- 3.13 It is considered that the criteria and content of Policy H1/2 is still very much in line with the general advice in national and regional planning guidance that has emerged since the Policy was first introduced in 1997. The fact that the policy has recently been saved by the Government until it is replaced by the LDF is testament to the Policy's relevance and compliance with national guidance.

4 - SUPPLY OF HOUSING LAND IN BURY

- 4.1 Policy L4 of RSS requires sufficient land to be identified in Bury for new housing development to achieve an annual average net rate of 500 dwellings per annum. Local authorities are required to provide for these annual rates of provision from April 2003 to 2021. Beyond this, authorities should continue to use the same rates for a limited period until such time as a different rate is adopted following a review of RSS.
- 4.2 The Council's Annual Housing Monitoring Report details the level of recent completions and current commitments in the Borough. The latest edition (1st April 2008) illustrates that net housing completions since 2003 average 547 dwellings per annum, which is slightly more than the RSS requirements. The 5-Year Supply of Deliverable Housing Land Statement 2008 indicates that sufficient housing land coming forward in the next five years is likely to provide for over 3,201 dwellings in this period. With excess completions from the period 2003-08, this effectively equates to over 7 years supply*.
- 4.3 These figures clearly demonstrate that sufficient housing land has been provided in previous years to meet the new RSS figures and that this trend is

* Please see the 5-Year Supply of Deliverable Housing Land – April 2008 for further information on the 5-year calculations. This can be viewed on the Council's web-site.

expected to continue over the next five-year period. The wider results of the SHLAA indicate that even beyond this, sufficient sites have the potential to come forward to meet the housing requirements over the plan period. Subsequently, this provides justification for ensuring that the criteria in Policy H1/2 is adhered to and there is no reason to extend the criteria to allow for additional sites to come forward. This situation will be kept under regular review.

5 - FURTHER RELEASE OF LAND FOR HOUSING

- 5.1 Since the adoption of the UDP in 1997, all planning applications and proposals for residential development on sites not allocated for residential development have been assessed against Policy H1/2. Even during the operation of this SPD in its previous guise, Policy H1/2 was the primary policy used to assess residential proposals.
- 5.2 As Policy H1/2 is now saved, it will continue to be the primary policy against which residential proposals will be assessed until such time as the LDF is adopted to replace it. Given the national and regional emphasis on managing supply and directing it towards certain areas, it is considered appropriate to provide supplementary guidance on Policy H1/2 and the criteria contained within it.
- 5.3 Accordingly, the remainder of this section breaks down the different elements within Policy H1/2 to give more detail on how the criteria should be applied.

Policy H1/2 – Further Housing Development

The Council will have regard to the following factors when assessing proposals for housing development on sites not identified on the Proposals Map:

- a) the need to direct development towards the urban area;
- b) the availability of infrastructure;
- c) the need to avoid the release of peripheral open land, unless this can be shown to be consistent with urban regeneration;
- d) the suitability of the site in land use terms with regard to amenity, the nature of the local environment and surrounding land uses;
- e) other policies and proposals of the Plan.

Justification

Apart from those large housing sites identified on the Proposals Map, other potential housing sites will arise over the Plan period. These sites may either be small sites (that is those less than 0.40 ha.), for which an allowance of 107 units per annum has been made in the residential land supply, or large “windfall” sites which are currently unknown. With regard to large “windfall” sites, an allowance of 40 units per annum has been made for sites coming forward in the range of 0.40 – 1.00 hectares. As with the small sites allowance, this has been based on past completions on such sites. The development of

sites for housing over and above those allocated in the Plan is, therefore, not precluded. It is important, however, that the development of small sites and large “windfall” sites contributes to the objectives of urban regeneration and concentration, whilst making efficient use of the existing infrastructure. It is particularly important that development allowed under this policy does not damage the local environment or detract from the amenity of existing residential areas or other surrounding land uses.

The Need to Direct Development Towards the Urban Area

- 5.4 Development opportunities that exist within the Borough are mainly limited towards the urban area due to the tight constraints imposed by the Green Belt, River Valley and Other Protected Open Land. Green Belt policy is set out within Planning Policy Guidance Note 2 – Green Belts and is supported by Bury UDP Policies OL1/2, OL1/3 and OL1/4 (supported by DCPGN 8 & 9). General development within the River Valley and Other Protected Open Land is covered by UDP policies OL5/2 and OL2/1 respectively (these UDP policies are attached in Appendix 1).
- 5.5 Effectively, planning policy relating to the Green Belt is very restrictive and residential development is generally limited to infill development within named villages or to the conversion/re-use of appropriate buildings. Other residential development proposals within the Green Belt will be considered to be inappropriate unless ‘very special circumstances’ can be demonstrated. Similar restrictions are placed on development proposals that relate to residential development proposals in Other Protected Open Land and the River Valley, with slight differences as outlined in the policies themselves.
- 5.6 Because of the significant policy constraints on most forms of development in these locations, housing development is directed towards the urban area under Policy H1/2. However, there is no formal urban boundary within the UDP so for the purposes of this guidance note the urban area is defined as all those areas outside the Green Belt, Other Protected Open Land and open parts of the River Valley[†]
- 5.7 Accordingly, proposals for residential development will only be considered when the proposal is within the urban area. The only exception to this will be where the proposal meets the policy requirements in regards to developments within the Green Belt, Other Protected Open Land and the River Valley.

The Availability of Infrastructure

- 5.8 Infrastructure can relate to a whole range of services and facilities and it is important under Policy H1/2 that new housing development is directed towards areas where adequate infrastructure provision already exists. For Bury, this will primarily be within the urban area as set out in the first criterion under this policy.

[†] Built up parts of the River Valley will be treated as being within the urban area providing they are not within the Green Belt or designated as Other Protected Open Land.

- 5.9 This requirement is also one of the key principles underpinning RSS, which reinforces the need to make best use of existing resources and infrastructure. Policy DP4 of RSS (Appendix 2) states that priority should be given to developments in locations where there is adequate concentrations of existing infrastructure and do not require major investment in new infrastructure.
- 5.10 For the purposes of this note infrastructure will cover the following areas:
- transport;
 - water supply;
 - drainage and sewerage;
 - the supply of gas and electricity; and
 - Telecommunications.
- 5.11 Proposals coming forward for residential development will need to demonstrate that they can be serviced by existing infrastructure provision, without requiring major investment by infrastructure providers to allow the site to come forward.
- 5.12 The capacity of the existing infrastructure will also be critical to the suitability of a proposal for residential development. Just because a site is located in an area with an adequate infrastructure supply does not mean that that infrastructure can readily accommodate the type or level of development being proposed. For example, a site may have good access to the transport network but the development of that site for a significant amount of residential development may harm the capacity of the transport infrastructure to function. In such instances, improvements to junctions could be required and the costs for delivering such works are likely to fall on the developer of the site. Potential applicants should also refer to Policy HT4 in this regard.
- 5.13 When assessing the likely impact of proposed developments on existing infrastructure the Council will consult with a range of internal and external bodies, including the main infrastructure providers to determine the potential impact of the proposal. This will include Highway and Drainage Engineers, Environmental Services, Cleansing Services, Environment Agency, National Grid Transco and United Utilities, amongst others.
- 5.14 Proposals for residential development that are not located in areas with existing infrastructure (and therefore require considerable investment to provide it) or that are considered to have a detrimental impact on the existing infrastructure provision are likely to be considered unacceptable under this criterion. Where this is the case and where a solution cannot be agreed to fund any mitigating works, planning applications for such proposals are unlikely to be approved.

The Need Avoid the Release of Peripheral Open Land Unless this can be Shown to be Consistent with Urban Regeneration

- 5.15 This criterion is similar to the first criterion in Policy H1/2 of directing future housing development towards the urban area, which has been defined as those areas that sit outside the Green Belt, Other Protected Open Land and open areas within the River Valley. However, within the urban area, there are some remaining areas of open land on the periphery between the built up urban area and land designated for Green Belt, Other Protected Open Land and River Valleys. Policy H1/2 seeks to avoid the release of this land for residential use.

- 5.16 Proposals for residential development within these areas will not be considered favourably under Policy H1/2, particularly as many of these areas remain previously undeveloped (see paragraph 5.21).
- 5.17 The only exception to this position is if it can be demonstrated that the release of peripheral open land is required for urban regeneration efforts. The onus will be on the applicant to demonstrate the reasons and linkages between the release of such land and the regeneration benefits that such release may have, bearing in mind the overall context of this guidance note and other policies relating to the direction of further land for housing in Bury.

The Suitability of the Site in Land Use Terms with Regard to Amenity, the Nature of the Local Environment and Surrounding Land Uses

- 5.18 Proposals for residential development, even within the urban area, will need to demonstrate that the site is suitable for residential use after taking account of three main considerations under this criterion.
- a) amenity
- 5.19 All planning applications are considered against the impact that they have on the amenity of existing residents and also on the amenity that would be enjoyed by future residents living within a residential scheme. It is not the remit of this guidance note to go into great detail on the range of issues relating to amenity as this is covered by a whole range of other Policy and guidance notes depending on the nature of a proposal. However, it is worth noting the following indicative list of some general amenity issues that will normally be considered under this 'sub-criterion'[‡]:
- noise;
 - loss of privacy;
 - loss of daylight;
 - boundary treatments;
 - aspects;
 - smells/pollution; and
 - loss of trees.

b) the nature of the local environment

- 5.20 All proposals for residential development will also be assessed to consider their impact on the local environment. Like the amenity issue, this is a broad issue that will be covered by a range of other policy and guidance notes relating to issues around the built environment (e.g. Listed Buildings and conservation areas) and the natural environment (e.g. Sites of Biological Interest). Applications for residential developments that are considered to harm local environmental characteristics (i.e. those natural features of value that promote bio-diversity in the Borough) are unlikely to be approved under Policy H1/2 and are likely to conflict with other UDP policy constraints.
- 5.21 One area that needs to be considered under this sub-heading relates to the constraints on the release of previously undeveloped land for housing. Since

[‡] Please note that this is an indicative list and there may be additional amenity issues to consider.

the UDP's adoption in 1997, there has been a significant policy shift at the national and regional level towards directing new housing development to the re-use of existing buildings and previously development land (brownfield sites). This guidance reflects the emphasis that continues to be placed on urban regeneration and the need to protect local environments.

- 5.22 The RSS, which importantly now forms part of Bury's Development Plan, makes it clear in Policy L4 that authorities should maximise the re-use of vacant and underused brownfield land and buildings. It sets a target for Bury of at least 80% of new housing provision to be delivered on brownfield sites, with emphasis on restricting 'greenfield' sites where they are not required to meet housing needs
- 5.23 This policy, which generally reflects the national planning advice on the release of land for housing, also reflects advice issued in the previous RSS. The Council has performed well against the 80% target since 2002, exceeding this every year with a high of 96% in 2008. The Council is committed to continuing to achieve/exceed this target and has identified potential brownfield sites within its Strategic Housing Land Availability Assessment[§] (SHLAA) to help support RSS policy.
- 5.24 Accordingly, proposals for residential development on previously undeveloped land** will not be considered to be acceptable under this guidance unless there are special material considerations to allow such sites to come forward (e.g. if the release of a greenfield site is required for wider regeneration benefits).
- 5.25 For clarity purposes it should be noted that agricultural buildings and barns are defined as previously undeveloped land in PPS3 and many are considered to be in unsustainable locations. The release of such buildings for residential development is therefore contrary to national and regional planning guidance, along with the guidance contained within this note.

c) surrounding land uses

- 5.26 The Council will seek to ensure that proposals allowed for residential development do not conflict with surrounding land uses. Many residential areas have been developed over the years along side uses that would not necessarily be considered appropriate under current planning policies. Planning policy is limited in what it can do about existing incompatible land uses but it can seek to control future land uses so as to minimise or remove potential conflicts.
- 5.27 Accordingly, residential proposals will not be considered to be acceptable if they are located in areas where the surrounding uses could harm the living conditions of future residents of the development (e.g. by way of fumes, smoke, noise, vibration, blast zones etc). Each proposal will be assessed on its own merits but it is unlikely that residential development within or close to heavily industrialised (B2 uses) areas will be permitted due to the potential impact on residents.

[§] The summary of the SHLAA can be viewed on the Council's web pages or the full document is available to view at the Planning Reception in Craig House.

** The definition of previously developed land is contained in Annex B of PPS3.

- 5.28 In addition to this, it is considered that the introduction of residential uses in areas where there is potential for conflict can harm the viability and operation of existing uses. For example, residential encroachment within or up to industrial areas is likely to lead to residents complaining about noise or pollution. This in turn can impact on what work can take place within those industrialised areas, such as limits on the hours of operation or on the types of activity that would be allowed. This factor will be considered under this criterion but it is also covered in more detail under other UDP policies (including Policies H3, H3/1 and H3/2).

Other Policies and Proposals of the Plan

- 5.29 Policy H1/2 is just one of a number of saved UDP policies that will be used to assess the suitability or otherwise of a proposal for residential development. Some of these have been referred to in this guidance note and are included in the Appendices but it should be noted that this is by no means an exhaustive list. Accordingly, applicants wishing to submit a planning application for residential development should also consider other policies and proposals in the Bury UDP as well as this guidance note.
- 5.30 Those wishing to submit a planning application are also advised to enter into early discussions with a Planning Officer to help determine whether a site would be suitable in principle. These discussions should also relate to the details and layout of a proposal, as schemes that may be acceptable in principle may be unacceptable in terms of design.
- 5.31 It is also important to note under this criterion that the Development Plan for Bury also includes the RSS for the North West as well as the Bury UDP. Applicants should therefore familiarise themselves with this document as planning applications for residential development will be assessed against the policies and proposals contained within it.

6 - MONITORING & CONCLUSIONS

- 6.1 The LDF will introduce detailed phasing policies for the release of housing land as it emerges. Until then planning applications for residential development on sites that are not allocated for residential purposes will be assessed against Policy H1/2 and this guidance note which supplements the policy. Planning applications will also be assessed against the policies and proposals in the RSS and other material considerations.
- 6.2 The Council has a responsibility under the plan, monitor and manage approach to ensure that there is continuous monitoring of the housing supply position in Bury. The Council is committed to this and findings are presented in the Council's Annual Housing Land Monitoring Report.
- 6.3 The guidance contained in this note will be connected to this monitoring process and may be changed to reflect the housing supply situation as it increases or decreases. For example, if monitoring indicates that the supply of housing land is increasing to a level that is considered to undermine regional and local policy objectives then the guidance note may seek to introduce additional controls over the release of land for housing. Conversely, if the

supply of land does not come forward as anticipated then the guidance in this note may be amended further.

7 - BACKGROUND DOCUMENTS

- Planning Policy Statement 3: Housing (November 2006)
- Regional Spatial Strategy for the North West (September 2008)
- Bury Unitary Development Plan 1997

8 - CONTACTS

- 8.1 The advice in this note has been designed to be user-friendly and seeks to clarify the criteria contained in Policy H1/2. However, if you require further information, please contact:

Development Control Team
Planning Division
Craig House
5 Bank Street
Bury
BL9 ODN
TEL: 0161 253 5432
Email: development.control@bury.gov.uk

Crispian Logue
Principal Planning Officer
Planning Policy
Planning Division
Craig House
5 Bank Street
Bury
BL9 ODN
TEL: 0161 253 5306
Email: c.logue@bury.gov.uk

APPENDIX 1 - UDP POLICIES

UDP Policy H1/2

H1/2 - Further Housing Development

The Council will have regard to the following factors when assessing proposals for housing development on sites not identified on the Proposals Map:

- a) the need to direct development towards the urban area;
- b) the availability of infrastructure;
- c) the need to avoid the release of peripheral open land, unless this can be shown to be consistent with urban regeneration;
- d) the suitability of the site in land use terms with regard to amenity, the nature of the local environment and surrounding land uses;
- e) other policies and proposals of the Plan.

Justification

Apart from those large housing sites identified on the Proposals Map, other potential housing sites will arise over the Plan period. These sites may either be small sites (that is those less than 0.40 ha.), for which an allowance of 107 units per annum has been made in the residential land supply, or large "windfall" sites which are currently unknown. With regard to large "windfall" sites, an allowance of 40 units per annum has been made for sites coming forward in the range of 0.40 - 1.00 hectares. As with the small sites allowance, this has been based on past completions on such sites. The development of sites for housing over and above those allocated in the Plan is, therefore, not precluded. It is important, however, that the development of small sites and large "windfall" sites contributes to the objectives of urban regeneration and concentration, whilst making efficient use of the existing infrastructure. It is particularly important that development allowed under this policy does not damage the local environment or detract from the amenity of existing residential areas or other surrounding land uses.

UDP Policies H3 & H3/1

H3 - INCOMPATIBLE USES IN RESIDENTIAL AREAS

The Council will not permit the development of incompatible uses in areas which are primarily residential in nature and where possible will seek to resolve existing conflicts.

Justification

In aiming to improve residential amenity, not only is it necessary to influence the relationship between new housing development and the surrounding environment, it is also necessary to protect existing residential areas from inappropriate developments and to resolve existing land-use conflicts.

The aim of this policy, therefore, is to establish a framework which allows existing conflicts to be resolved and ensures that the development of apparently conflicting uses is managed in such a way as to minimise or eradicate the effect on residential amenity.

H3/1 - Assessing Non-Conforming Uses

The Council will assess proposals for the development of non-conforming uses in primarily residential areas and will not permit proposals considered to be incompatible. Factors which will be taken into account when assessing such proposals will include noise, vibration, smell, fumes, smoke, soot, ash, grit, dust, visual intrusion, traffic generation and parking arrangements, and hours of operation.

Justification

The development of non-residential uses, including changes of use, in a residential area, can be harmful to the amenity of residents. In order to achieve the objective of improving the quality and amenity of residential areas in the Borough, it will be necessary for the Council to ensure that the development of non-residential uses only takes place where residential amenity can be protected. Thus, where planning permission is granted, it is the Council's intention to use planning conditions to minimise the impact on neighbouring residents and to enforce such conditions if they are subsequently found to be contravened. Proposals for extensions to existing industrial and commercial uses within residential areas will be dealt with on this basis.

UDP Policy H3/2

H3/2 - Existing Incompatible Uses

Where existing incompatible uses operate within residential areas, the Council will seek to ensure that any existing conflicts are resolved where possible and where opportunities arise.

In particular the Council will encourage and, where appropriate, implement measures to:

- a) control future land uses so as to minimise or remove conflicts;
- b) control the intensification or expansion of non-conforming uses where possible;
- c) control the operation of adjacent uses where possible in order to minimise areas of conflict and potential nuisance;
- d) introduce environmental improvements or traffic management schemes where appropriate.

Only as a last resort will the Council consider the relocation of incompatible uses.

Justification

A wide variety of non-residential uses exist in areas which are residential in nature. These uses may include corner shops, doctors' surgeries, community facilities and established industrial/commercial concerns which in their own way provide valuable benefits to the local population. It is necessary, however, to ensure that existing non-residential uses do not detract from the amenity of neighbouring residents by virtue of such factors as hours of operation, parking arrangements, traffic generation, noise and pollution. Where nuisance does occur the Council will seek to ensure that any harmful effects are mitigated through its development control powers and the enforcement of the appropriate regulations, including planning conditions and environmental health standards. In extreme cases it may be necessary for the Council to seek the re-location of the offending use.

UDP Policy OL1/2

OL1/2 - New Buildings in the Green Belt

The construction of new buildings inside the Green Belt is inappropriate development, unless it is for one or more of the following purposes:

- a) agriculture and forestry (except where permitted development rights have been withdrawn);
- b) essential facilities for outdoor sport and outdoor recreation, for cemeteries, and for other uses of land which preserve the openness of Green Belt and which do not conflict with the purposes of including land in it;
- c) limited extension, alteration or replacement of existing dwellings, provided that this would not result in disproportionate additions over and above the size of the original dwelling, or, in the case of replacement of existing dwellings, the new dwelling is not materially larger than the one it replaces;
- d) limited infilling in existing villages as set out under Policy OL1/3.

Justification

Green Belt policy has been very successful in controlling development of the urban perimeter and limiting sporadic development on open land. This policy continues the Council's commitment to ensuring that the Green Belt will generally be kept open and protected from inappropriate development. The policy also states how the Council will respond to proposals for development within the Green Belt. The potentially acceptable categories of development listed in the policy all possess at least one of the following characteristics. They would:

- a) have a low proportion of building area in relation to land area; or
- b) would not injure the visual amenities of the Green Belt or be conspicuous from or within the Green Belt; or
- c) be essential or traditional countryside uses; or
- d) help to secure the proper management of Green Belt land.

In relation to the purposes for which new buildings may be permitted, (see a) to d) above in the policy), the following considerations will apply:

- i) Essential facilities, see b) in Policy OL1/2, should be genuinely required for uses of land which preserve the openness of the Green Belt and do not conflict with the purposes of including land in it. Possible examples of such facilities include small changing rooms or unobtrusive spectator accommodation for outdoor sport, or small stables for outdoor sport and outdoor recreation.
- ii) The extension or alteration of dwellings in the Green Belt, see c) in Policy OL1/2, need not be inappropriate providing that any changes are not disproportionate additions over and above the size of the original building. Such proposals should have regard to any supplementary planning guidance issued by the Council. Any such supplementary planning guidance will be issued solely for the guidance of applicants and will be consistent with the Plan and subject to Council approval. Where appropriate, public consultation will be carried out.

Proposals for buildings not falling into one of the above categories, ((a) to (d) in Policy OL1/2), is inappropriate development and is, by definition, harmful to the Green Belt. Any development proposal considered to be inappropriate development will only be permitted in very special circumstances.

When planning permission is sought for an inappropriate development it will be for the applicant to demonstrate the 'very special circumstances' why permission should be granted. Very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

The Secretary of State has indicated, in Circular 19/92 "The Town and Country Planning General Regulations 1992", the wish to be notified of all proposals which would give rise to inappropriate development in the Green Belt. Such proposals will be treated as a departure from the Plan and will be determined in accordance with departure procedures.

UDP Policy OL1/3

OL1/3 - Infilling in Existing Villages in the Green Belt

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.

Justification

It is acceptable, in accordance with paragraph 2.11 of PPG2 "Green Belts", to carry Green Belt notation across existing villages where infilling, but no extension of a village would be permitted.

There are a number of existing villages within the Borough's Green Belt. Whilst seeking to restrict their expansion this policy recognises the need to accept limited infilling within the villages named below:-

Shuttleworth, Holcombe Village, Hawkshaw, Summerseat, Nangreaves, Affetside, Ainsworth and Simister.

The term 'limited infilling development' may include forms of development other than frontage infilling such as the development of backland where it would be in keeping with the village's character. However, this is not intended as a general dispensation to develop houses in the back gardens of frontage properties.

A particular difficulty exists in relation to "ribbon" development which strings out along a number of roads, from villages within the Green Belt. Where such ribbon developments present a significant and generally unbroken frontage, small gaps may be capable of successful development without prejudicing Green Belt objectives. This will usually be a case of looking at each proposal on its merits: the local planning authority will wish to take into account the character of the site; and, generally, development which would involve the felling of trees, or the spoiling of a fine view, would be prevented.

UDP Policy OL1/4

OL1/4 - Conversion and Re-use of Buildings in the Green Belt

The conversion and re-use of buildings in the Green Belt is not inappropriate development and will be permitted providing that:

- a) it does not have a materially greater impact than the present use on the openness of the Green Belt and the purposes of including land in it;
- b) any extension of re-used buildings, and any associated uses of land surrounding the building do not conflict with the openness of the Green Belt and the purposes of including land in it (e.g. because they involve extensive external storage, or extensive hardstanding, car parking, gardens, boundary walling or fencing);
- c) the buildings are of permanent and substantial construction, and are capable of conversion without major or complete reconstruction;
- d) the form, bulk and general design of the buildings are in keeping with their surroundings;
- e) suitable access and likely traffic generation can be accommodated without creating a traffic hazard or the need for major road improvements or lengthy new routes;
- f) all the necessary services can be provided without extensive works;
- g) it can be established by the applicant, to the satisfaction of the local planning authority, whether or not the building contains any protected species, such as bats or barn owls. Where it is shown such species are present, measures to prevent damage to habitats will be required.

Justification

This policy acknowledges that when suitable safeguards are taken, the re-use or conversion of buildings should not prejudice the openness of the Green Belt since the buildings are already there. Re-use or conversion can help to secure the continued stewardship of land, especially by assisting farm diversification and can contribute to the objectives for the use of land in the Green Belt.

Buildings which have become so derelict that they could be brought into use only by complete or substantial reconstruction do not fall within the scope of this policy.

In the case of residential conversions there will be an emphasis on preventing 'suburban' style gardens in areas of otherwise surrounding open countryside.

Section 9 of the 1981 'Wildlife and Countryside Act' affords protection to both protected species and any structure or place which such a species may use for shelter or protection. Agricultural buildings are valuable habitats for barn owls, bats and other protected species.

Prior to the granting of planning permission the local planning authority will have to be satisfied that no such species are present. Where it is shown that such species are present, measures must be implemented which ensure that any damage to such habitats is prevented.

UDP Policy OL2/1

OL2/1 - Development on Other Protected Open Land

On all defined open land outside the urban area, but not within the Green Belt and/or river valleys (as shown on the Proposals Map), development will not be permitted for purposes other than:

- a) agriculture or forestry, or other uses appropriate to a rural area;
- b) outdoor recreational facilities, such as sports grounds, golf courses or country parks, together with ancillary buildings required in connection with these outdoor facilities;
- c) cemeteries and institutions standing in large grounds;
- d) development which is essential for the protection of an established source of employment or required in connection with a bona fide rural enterprise;
- e) essential public utilities infrastructure;
- f) mineral workings, provided that high environmental standards are maintained and that the site is well restored.

Justification

It is important that new development on all open land subject to this policy is carefully controlled in order to protect both the open character and existing uses of this land. There may be further opportunities for recreational and afforestation initiatives and the policy fulfils other amenity and wildlife objectives of the Plan.

Proposed development falling within the categories a) to f) in the policy above will be subject to the provisions of the policies for agricultural land protection, maintaining farm holdings, special landscape areas and sites of nature conservation interest.

UDP Policy OL5/2

OL5/2 - Development in River Valleys

Within the River Valleys, new buildings or the change of use of existing buildings or the change of use of land will not be permitted. The only exceptions considered acceptable will be those where the development would not lead to the division of the open parts of the valleys into sections and it falls within the terms below:

a) where the area is designated as Green Belt the established Green Belt policies will apply; or

b) where the area does not form part of the Green Belt, at least one of the following circumstances is met:

i) that the development represents limited infilling to an established valley settlement or industrial area;

ii) that it is an extension to, or renewal of an existing industry, where the economic and employment factors are of overriding importance;

iii) that the development is required in association with an outdoor recreation or appropriate tourist facility;

iv) that the development is limited and will form part of, and be essential to, the maintenance of the provision and improvement of public services and utilities;

v) any other development that would be appropriate in a Green Belt.

Justification

The Council is keen to retain the open character of the river valleys by controlling development. This is to protect, as much as possible, the open land which is left and to help to implement future conservation, recreational and environmental programmes and strategies.

The policy, therefore, intends to protect all the open land in the river valleys regardless of its physical condition, by directing inappropriate development away from the valleys and by only permitting development which would not be damaging to them. This will prevent further urban encroachment although it will not guarantee that open land will be properly used or managed.

The majority of the river valley system in Bury is within the Green Belt and where this occurs, not only will Green Belt policies apply, but the need to ensure that development does not lead to the division of the open parts of the valleys into sections will also be a primary objective.

Within the river valley areas outside the Green Belt, development must still not lead to the division of the open parts of the valleys into sections. However, proposals will be accepted in principle where they are considered to conform with the important exceptions as set out in Part b) of the policy. The first exception accepts that there will be a presumption in favour of limited infilling development within established valley settlements or industrial areas. In the case of industrial areas this means accepting in principle the development for industrial purposes of small parcels of land wholly within existing industrial areas, or of small salients or projections of open land which penetrate into them. There would also be no objection in principle to new

industry locating within the existing industrial areas. There are also a number of settlements within the river valleys and whilst seeking to control their expansion, this policy recognises the need to accept limited infilling within a settlement's boundary.

The second exception for river valley areas outside the Green Belt deals only with industry which is already established within the valley. Provided that it would not lead to the division of open parts of the valleys into sections, an extension to or renewal of an industry will be acceptable in principle where economic and employment factors are considered to be of overriding importance. In seeking an exception under this policy, it will be up to the company concerned to demonstrate the economic and employment case to the Council.

The third exception relates to the recreation and tourism objectives of the Plan. In seeking to encourage appropriate recreation and tourism facilities, particular attention will be paid to siting, design, layout, materials and landscaping.

The fourth exception relates to maintaining the provision and improvement of public services and utilities. The Council will continue to give sympathetic consideration to the particular operational requirements of statutory undertakers and other bodies providing essential public services. However, where a proposal is made to locate an entirely new development, or alterations to an existing facility, within the area subject to this policy, the Council will require the bodies concerned to show compelling reasons why sites outside this area were considered by them to be unacceptable. Development of this kind will only be permitted where such compelling reasons appear to the Council to exist.

The final exception relates to all other development proposals and indicates that proposals which would be considered acceptable in Green Belt areas will also normally be acceptable in river valley areas.

UDP Policy HT4

HT4 - NEW DEVELOPMENT

In considering the location of new or intensified development, the Council will encourage proposals which:

- a) support the principles of sustainable development;
- b) assist the implementation of a balanced transportation strategy;
- c) minimise the environmental impact of traffic.

In particular, new development will be encouraged where use can be made of public transport or spare capacity in the existing highway network, provided that this is also in accordance with other policies of the Plan.

Justification

The Unitary Development Plan is able to directly control land use allocations, and on the basis that all uses of land generate traffic, the Council can, therefore, seek to ensure that all new development is directed, as far as possible, towards locations where the existing highway network is able to accommodate traffic generated by the development or where there is an adequate public transport service. By guiding new development to locations which reduce the need for car journeys and the distances driven, or which permit the choice of more energy efficient public transport in accordance with PPG 13 "Transport", the adverse environmental effects of increased traffic will be minimised and the possible need for costly highway improvements avoided.

This policy should be read in conjunction with Policy HT2/10 - Development Affecting Trunk Roads.

APPENDIX 2 – RSS POLICY

Policy DP 4

Make the Best Use of Existing Resources and Infrastructure

Priority should be given to developments in locations consistent with the regional and sub-regional spatial frameworks as set out in Chapter 5 (notably policy RDF1) and sub regional policies in Chapters 10-13 which:

- build upon existing concentrations of activities and existing infrastructure;
- do not require major investment in new infrastructure, including transport, water supply and sewerage. Where this is unavoidable development should be appropriately phased to coincide with new infrastructure provision.

Development should accord with the following sequential approach:

- first, using existing buildings (including conversion) within settlements, and previously developed land within settlements;
- second, using other suitable infill opportunities within settlements, where compatible with other RSS policies;
- third, the development of other land where this is well-located in relation to housing, jobs, other services and infrastructure and which complies with the other principles in DP1-9.

Natural and man-made resources should be managed prudently and efficiently. Sustainable construction and efficiency in resource use (including reuse and recycling of materials) should be promoted.

4.5 The competitiveness of the region's economy is important and its growth must be facilitated but, increasingly, demands for houses, workplaces and services will need to be met in a more sustainable fashion, making the best use of land and existing infrastructure, and managing resources prudently and efficiently. There will be many opportunities to encourage the re-use of disused land and buildings. This is critical to improving the Region's image. The Region contains a very large extent of dereliction and a large number of old industrial buildings of historic interest and great character in need of new uses, especially in the urban areas. Greater use of land that has been previously developed, and lies within settlements, is required for all forms of development across the Region. Not all areas of previously developed land, however, will be suitable or appropriate for built development. For example, former military bases in rural areas could be relatively remote, may have returned to open land uses or be supporting valuable habitats. Other policies, particularly those on the wider countryside (RDF2), and on derelict land and contamination (EM2), provide further guidance on this issue, and Table 7.1 sets out indicative District targets for the proportion of housing to use brownfield land and buildings.



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BURY COUNCIL

Bury Council
Planning Policy, Craig House, 5 Bank Street, Bury, BL9 0DN
0161 253 5283
planning.policy@bury.gov.uk
(January 2009)

Graham Atkinson BA DMS
Director of Environment & Development Services
Bury ● Prestwich ● Radcliffe ● Ramsbottom ● Tottington ● Whitefield
Bury Council