

DELEGATED REPORT

Report by Helen Pressley	Date of report: 24/08/2023	Ref: 69778/FUL
Registration: 29/06/2023	LDFC: 14/08/2023	Expiry Date: 24/08/2023
Site Visit: 06/07/2023	Site Notice: 06/07/2023	Press Date: 20/07/2023
Objections: 53	Con Area: RAMS	Adv Type: DEPA
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MIDW

Proposal: Erection of 1 no. dwelling with access, driveway, parking and landscaping

Location: Land opposite 6 Eccles Street, Ramsbottom, BL0 9HQ

Description

The application relates to a site located off Eccles Street. The site is located within the Green Belt, a Special Landscape Area, and Ramsbottom Town Centre Conservation Area. A Public Right of Way (56RAM) runs along Eccles Street. The site is located at a higher level than Eccles Street and slopes up towards the west with a stone boundary wall that runs along Eccles Street. Historically part of the site was used as allotments and this has now ceased and the land is now characterised by a mix of grass, shrubs and trees. There is evidence of the former allotment use in the form of a few small derelict sheds. The site is faced by a row of detached dwellings, with stone built terraces located to the north of the site fronting Coulthurst Street. To the north, where Eccles Street becomes Coulthurst Street, is the entrance to Grant's Wood. There are also terraced stone built houses to the south and south east of the site. To the west of the site is open countryside.

Planning permission is sought for the construction of a single dwelling with access from the north of Eccles Street. The proposal would be a two storey "L" shaped dwelling with a subterranean garage and arrival space. The proposed dwelling would be flat roof in design, with terraces and sedum roofs proposed. It is proposed to construct the external elevations of the dwelling from vertical larch timber, stone and zinc standing seam cladding.

Parking would be situated to the north of the dwelling on a permeable gravel arrival court and would be accessed from a sunken driveway, with a retaining gabion/boundary wall to the west.

The application is a resubmission of a former scheme that was withdrawn by the applicant.

Relevant Planning History

61212 - Outline application for residential development of up to 9 no. dwellings (all matters reserved) - Refused 02/06/2017

02571/E - Single detached house on previously developed land - Enquiry Complete 17/05/2021

68526 - Erection of 1no. dwelling with access, driveway, parking and landscaping - Withdrawn 14/10/2022

Publicity

Neighbour letters sent 03/07/2023 and 04/07/2023

Public right of Way and Conservation Area site notice 06/07/2023

Public right of Way and Conservation Area press notice 06/07/2023

Departure from Local Plan site notice 24/07/2023

Departure from Local Plan press notice 20/07/2023

1 letter from the MP raising the following issues:

- Goes against several points in the Ramsbottom Conservation Area Appraisal of 2011
- Residents have raised the issues of possible drainage problems if this application goes ahead.
- Loss of habitat for wildlife such as badgers, hedgehogs, bats, deer and birds.
- Loss of public amenity views from Public Right of Way through Grants Wood, due to screening property with planting/hedging.
- Traffic concerns, particularly with possible disruption to Eccles Street and Tanners Street during the construction of the dwelling.
- Safety concerns for pedestrians using Eccles Street.
- The roads in this area are already very narrow and congested at certain times of the day.
- In my view the proposal should not go ahead for the above reasons.

52 objections received in relation to:

- Impact on Green Belt
- No case for Very Special Circumstances.
- Would reduce the separation between urban Ramsbottom and historic Holcombe Village.
- The target of Passivhaus standard, whilst commendable, does not signify a Very Special Circumstance.
- The proposed house does not address local affordable housing needs.
- The proposal does not demonstrate that the construction and occupation of the house will contribute significantly to the local economy.
- The development will not bring substantial community benefits, such as improved public access or facilities.
- The applicant has not presented a compelling case to demonstrate that there is an exceptional need for development on green belt land.
- There are alternative sites available that could accommodate the proposed development without encroaching upon protected land.
- The proposed development does not adequately address sustainability concerns. It fails to provide comprehensive plans for minimizing environmental impact, conserving resources, and promoting sustainable practices.
- The building and its driveway will be lit up both indoors and outdoors like an airport runway on a greenbelt hillside at night spoiling the night sky and disrupting and compromising the night time wildlife corridor.
- The loss of Green belt since the 1980s, not only in Tanners but across the whole of Ramsbottom as a result of repeated build approvals is breathtaking.
- Housing targets have been abolished by the government in response to public outcry and concerns in relation to loss of green belt.
- Land and regeneration Bill will come into force in September.
- What will stop someone else building on the land - there is still space for another house.
- There are brownfield sites available
- Departing from the UDP without sufficient justification could undermine the integrity of the planning process and may set a precedent for future developments.
- Contravenes a number of UDP policies.
- Contrary to National Planning Policy Framework.
- Inconsistent with Development Control Policy Guidance Note 8, 11, and 16.
- Do not need any more houses.
- Many residents and local community members share my concerns and object.
- House does not blend in with the surrounding properties.
- The proposed development's design and scale is not compatible with the existing character and aesthetics of the neighbourhood, leading to a negative visual impact on the surrounding properties.
- Loss of Natural Beauty and Cultural Heritage.
- Will dominate the landscape. Houses on hills are visually intrusive.
- The impact in the winter when there are no leaves on the trees will be even worse.

- Dwelling is significantly wider, larger and has a greater volume than local terraced properties.
- Surrounded as it will be by predominantly 19th century two up two down traditional natural stone terraced houses with blue slate roofs.
- Do not agree with the contention that the natural screening provided would not be overly incongruous or prominent.
- Materials not in keeping with the area.
- Impact on views into, out of and across Green Belt land.
- Visual assessment fails to consider the most important views.
- Visual amenity from neighbouring houses, and public right of way impacted.
- Removal of existing tree will further open views.
- Gabion wall is not suitable for use in Green Belt or Conservation Area.
- The property looks like a stranded freight container.
- Air source Heat Pump location not shown on the plans. These can be visually intrusive and noisy. May not be sufficient for the property.
- Notes potential for roof mounted solar panels or a remote array but not assessment can be made of these potential additions.
- Where will the bins go?
- Bin collection difficult along this street
- Loss of privacy.
- Loss of light.
- The Rights of Light. Rights of light is through 'prescription'
- Does not meet minimum space standards required between buildings and principal windows. A distance of 22m is required.
- Land instability
- A proper structural survey of the wall and any build would have to be a pre-commencement condition to any grant to ensure that the wall and the street remain safe.
- Eccles Street is an unmade track and junction with Tanners Street will make access for large vehicles delivering construction materials very dangerous for pedestrians and other cars.
- Several low speed accidents on Eccles Street/Tanners Street.
- Wear and tear on Eccles Street.
- Criminal offence to block the highway which will happen during construction.
- No traffic census or traffic flow information submitted
- Junction at Eccles Street/Tanners Street dangerous.
- Visibility splays substandard
- No access for emergency vehicles, delivery vehicles, and taxis.
- Applicants run an online retail business from home which will attract more traffic.
- Existing issues on Tanners Street not addressed previously by the Council.
- Tanners Street already frequently blocked by traffic, bin lorries and deliveries.
- Loss of parking for existing residents.
- Eccles street fails to meet minimum standards for fire service access routes and turning facilities.
- Footpaths 56 and 59 have been promoted as a safe route for children walking to Holcombe Emmanuel school.
- Access to sculptures/sculpture trail prevented.
- The applicant does not benefit from a right of way over Eccles Street.
- The minerals beneath the property are excepted from the landowners title. The land owner has not served the mineral owner with notice of the planning application.
- The plans and drawings take in third party land including a strip of land which runs across the proposed access to the property. The applicant does not have a right to engineer or surface that land.
- There are properties in the area that have rights to water from the springs and wells on the property.
- Drainage - no indication on plan how this will be dealt with. More built form will

exacerbate existing drainage issues in locality.

- Bury Council have not addressed existing drainage and flooding issues
- Existing drainage infrastructure old and not maintained.
- Impact on local wildlife and wildlife corridor.
- Loss of habitat, disruption to eco system services, impact on water resources, impact on insects and threat to flora and fauna.
- Impact on badgers - sett located nearby.
- Impact on bats
- Ecological reports out of date.
- Repeat applications with only minor changes.
- Bury Council must understand that local residents will not allow this to happen.
- I can't believe it is even being proposed, never mind considered.
- Proposal goes against a number of policies within the Ramsbottom Conservation Area Appraisal 2011.
- The application is of a poor standard, weak and incomplete and is littered with inaccuracies.
- The allotments are noted as being of special importance in the conservation area statement & have been there since 1874, not the 1960s as claimed by the Applicant.
- Until neglected by its owner, this land was used as allotments and grazing for horses. With sympathetic ownership it could be returned to such use.
- The suggestion that the proposals will have a slight beneficial impact on the character and appearance of the Conservation Area sounds like grasping at straws. The only beneficial impact of this application will be to the applicant.
- Many people walk through Grants Woods everyday. This proposed house will not only make the woods darker to walk through, posing safety risks, but will visually degrade the area.
- Case Officer should visit the site.
- The integrity of the applicant is not known.
- Health and Safety at Work Act requirements could not be met.
- Property would have to be built in accordance with current regulations, and therefore the construction of 3 properties in the 1990s is totally irrelevant.

2 Support in relation to:

- I've read all the posters and can tell you from 35y construction experience that most of the 'issues' being quoted are either ill-informed or exaggerated beyond belief. It's one house, not a housing estate.
- That street is mainly detached 90's homes, and I much prefer this.
- I get the natural reaction is to object to anything that's nearby but there needs to be some bigger picture thinking too. Good standard construction methods, big net gain, improvement to an untidy area. No one seems to understand the big boys won't start doing houses anywhere near this standard until little ones try it first. That's how this game works.
- It also brings investment & highly skilled jobs into the area which is vital when times are a bit harder like at present & work is drying up.
- In short, I'm not against this development in principle - it would be an exciting addition to the area and appears to have very high eco credentials.
- That side with all the sheds and garages does need some serious TLC and having viewed the plans I like that most of the field area will still be left open and can act as a wildlife corridor.
- Being pragmatic it seems like a reasonable compromise and better than other options I've seen in the past where 6 or 8 houses would be too much.
- My main issue is how on earth are Bury Council going to ensure the scheme lives up to all its promises?? You only need to watch Grand Designs to see how difficult these "super eco" houses are to get right so I do have to raise doubts on how all that will/can be policed. But if you can crack that then great, we should be encouraging building homes of this standard.

Statutory/Non-Statutory Consultations

Conservation Officer - The proposal would not preserve or enhance the character or appearance of the conservation area nor better reveal its significance as required by paragraph 206 of the NPPF. As such it represents less than substantial harm to the character and appearance of the conservation area which is considered to be at the higher end of that spectrum. The perceived public benefit of the addition of one new dwelling to the housing supply does not outweigh the harm identified to the character and appearance of the conservation area.

Traffic Section and Public Rights of Way Officer - Proposal would result in the intensification of the Public Right of Way, the proposed access is substandard in terms of visibility, insufficient information is provided in relation to bin storage/collection arrangements.

Environmental Health - Contaminated Land - Recommendation for conditions in relation to the submission of a contaminated land preliminary risk assessment, site investigation, details risk assessment and remediation strategy and verification report.

Borough Engineer - Drainage Section - no response

United Utilities (Water and waste) - According to our records there are easements in the vicinity of the proposed development site which is in addition to our statutory rights for inspection, maintenance and repair. The easements dated 22/11/1984 and 4/11/1985 UU Ref: P586 and E389 have restrictive covenants that must be adhered to. It is the applicant's responsibility to obtain a copy of the easement document, available from United Utilities Legal Services or Land Registry. The applicant must comply to the provisions stated within the document.

Conditions requested in relation to protection of the water main.

Applicant should consider their drainage plans in accordance with the drainage hierarchy within the NPPF and NPPG.

Greater Manchester Ecology Unit - Whilst the ecological report is generally valid this is effectively the same ecological report as provided for the previous application 68526. An updated badger survey is recommended. Full copy of excel spreadsheet for BNG requested.

Other matters in relation to bats, invasive species, nesting birds and protection of other wildlife can be dealt with by means of condition/informative.

Planning Policy Manager - no response

Building Control - The design of any new property must comply with the Building Regulations.

Pre-start Conditions - Not relevant

Unitary Development Plan and Policies

EN1/2	Townscape and Built Design
EN2/1	Character of Conservation Areas
EN2/2	Conservation Area Control
EN9/1	Special Landscape Areas
OL1	Green Belt
OL1/2	New Buildings in the Green Belt
RT3/3	Access to the Countryside
EN1/1	Visual Amenity
EN5/1	New Development and Flood Risk

EN6	Conservation of the Natural Environment
EN7	Pollution Control
EN8	Woodland and Trees
EN8/2	Woodland and Tree Planting
H1/2	Further Housing Development
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
HT6/2	Pedestrian/Vehicular Conflict
HT2/4	Car Parking and New Development
NPPF	National Planning Policy Framework
SPD8	DC Policy Guidance Note 8 - New Buildings in the Green Belt
SPD11	Parking Standards in Bury
SPD16	Design and Layout of New Development in Bury
SPD6	Supplementary Planning Document 6: Alterations & Extensions

Issues and Analysis

The following report includes analysis of the merits of the application against the relevant policies of both the National Planning Policy Framework (NPPF) and the adopted Bury Unitary Development Plan (UDP) together with other relevant material planning considerations. The policies of the UDP that have been used to assess this application are considered to be in accordance with the NPPF and as such are material planning considerations. For simplicity, just the UDP Policy will be referred to in the report, unless there is a particular matter to highlight arising from the NPPF where it would otherwise be specifically mentioned.

Equality Act 2010: All planning applications are considered in light of the Equality Act 2010 and associated Public Sector Equality Duty, where the Council is required to have due regard for:

The elimination of discrimination, harassment and victimisation;

The advancement of equality of opportunity between persons who share a relevant protected characteristic and person who do not share it;

The fostering of good relations between persons who share a relevant protected characteristic and person who do not share it; which applies to people from the protected equality groups.

Human Rights: All planning applications are considered against the provisions of the Human Rights Act 1998.

Under Article 6 the applicants (and those third parties who have made representations) have the right to a fair hearing and to this end full consideration will be given to their comments.

Article 8 and Protocol 1 of the First Article confer a right to respect private and family life and a right to the protection of property, ie peaceful enjoyment of one's possessions which could include a person's home, and other land and business assets.

In taking account of the Council policy as set out in the Bury Unitary Development Plan 1997 and all material planning considerations, it is concluded on balance that the rights conferred upon the applicant/ objectors/ residents/ other interested party by Article 8 and Article 1 of the First Protocol may be interfered with, since such interference is in accordance with the law and is justified in the public interest. Any restriction of these rights posed by refusal/ approval of the application is legitimate since it is proportionate to the wider benefits of such a decision, is based upon the merits of the proposal, and falls within the margin of discretion afforded to the Council under the Town & Country Planning Acts.

The Crime and Disorder Act 1998 imposes (without prejudice to any other obligation imposed on it) a duty upon the Council to exercise its functions and have due regard to the likely effect of the exercise of its functions on, and the need to do all that it reasonably can

to prevent crime and disorder in its area. In so doing and on making planning decisions under the Town and Country Planning Acts, the material Planning considerations shall have due regard to the provisions of the Crime and Disorder Act 1998 and its implications in the exercise of its functions.

Principle (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 maintains the emphasis on identifying a rolling five year supply of deliverable housing land.

Bury's Strategic Housing Land Availability Assessment sets out the latest housing supply position, which is made up of sites that have an extant planning permission and sites that have potential to obtain planning permission in the future. This shows that there are a number of sites within the Borough with the potential to deliver a significant amount of housing. However, not all of these sites will contribute to the five year supply calculations as many sites will take longer than five years to come forward and be fully developed (e.g. some large sites could take up to ten years to be completed). As such, latest monitoring indicates that the Council is unable to demonstrate a five year supply of deliverable housing land and this needs to be treated as a material factor when determining applications for residential developments.

The National Planning Policy Framework also sets out the Housing Delivery Test, which is an assessment of net additional dwellings provided over the previous three years against the homes required. Where the test indicates that the delivery of housing was substantially below (less than 75%) of the housing requirement over the previous years, this needs to be taken into account in the decision-taking process. The latest results published by the Government show that Bury has a housing delivery test result of less than 75%, and therefore, this needs to be treated as a material factor when determining applications for residential development.

Therefore, in relation to the proposed 2no. dwellings, 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.

Therefore, in this case the 'tilted balance' applies and planning permission should be granted unless the above points Para 11(d) i or ii apply.

Policy H1/2 states that the Council will have regard to various factors when assessing a proposal for residential development, including whether the proposal is within the urban area, the availability of infrastructure and the suitability of the site, with regard to amenity, the nature of the local environment and the surrounding land uses.

The site is located adjacent to the urban boundary, fronting Eccles Street. Therefore, the proposed development could be considered to be in accordance with Policy H1/2 of the Bury Unitary Development Plan provided that the proposal complies with all other material planning considerations.

In applying the tilted balance the application also needs to assess the impact of the proposal in relation to the Green Belt and Conservation Area.

Principle (Green Belt)

Paragraphs 147 and 148 state that inappropriate development in the Green Belt is by definition, harmful and should not be approved except in Very Special Circumstances

(VSC). Planning Authorities should ensure that substantial weight is given to any harm in the Green Belt. VSC will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Paragraph 149 of the NPPF states that the construction of new buildings would be inappropriate in the Green Belt. Exceptions to this are:

- (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 housing need within the area of the local planning authority.

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

Infilling/ Previously Developed Land

Exception g of paragraph 149 does allow for 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. However, the test under this exception is to not have a greater impact on the openness of the green belt than the existing development. The existing development on the land is very limited and the buildings/structures that are currently on site would be classed as temporary buildings given their nature which are excluded under exception g. As such, given the scale and nature of the structures on the site, the site is considered to be largely "greenfield" and as such residential development of the scale proposed would have a greater impact on the openness of the Green Belt and as such would be considered to be inappropriate.

Infilling generally involves building a new property/properties within an existing built frontage and as such would not increase the harm to the Green Belt through the extension of built form. Given the open countryside to the north and west of the site, and that there is no established built development along this side of Eccles Street it is considered that the proposal would not be considered to be an infilling site.

Very Special Circumstances Case

The planning statement submitted states that it seeks to endorse five VSC cases. 7 cases

are then listed under bullet points, and 6 cases are presented under headings. The 6 cases presented under headings are assessed below:

High quality design

In addition to the Green Belt policies already highlighted there are additional policies within the UDP and NPPF, and material planning considerations that relate to residential development that need to be applied when assessing design.

Paragraph 80e of the NPPF confirms that isolated homes within the countryside may be acceptable if:

- the design is of exceptional quality, in that it:
- is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and
- would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.

Whilst the site is not considered to fall under paragraph 80e of the NPPF, as the site is not considered to be isolated, the approach of a house of exceptional design could constitute VSC and the judgement as to whether a proposal is exceptional, should not be solely based on the proposal's location.

The design of any new dwelling within this sensitive site needs to be carefully considered, especially when reviewing the most recent updates to the NPPF with its focus on design and the National Design Guide. The NPPF makes it clear that creating high quality buildings and places is fundamental with Paragraph 126 stating "The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities."

This is further supported by the National Design Guide. The National Design Guide, published by the Ministry of Housing, Communities and Local Government in 2019 states that well designed new development is influenced by "an appreciation and understanding of vernacular.....including existing built form, landscape and local architectural precedents." In terms of layout the Design Guide states that a well designed place is unlikely to be achieved by focusing just on appearance, materials and detailing of buildings and that layout, including the grain pattern of development, blocks and lots needs to be considered and relate to one another to create spaces, open spaces and buildings.

UDP Policy H2/1- The Form of New Residential Development requires all new residential development to make a positive contribution to the form and quality of the surrounding area. Policy H2/2 - The Layout of New Residential Development seeks to ensure that new residential development will be acceptable in terms of layout in order to provide a good quality residential environment. In addition to this, Policy EN1/2 - Townscape and Built Design seeks to ensure that any proposals would not have an adverse impact on the particular character and townscape of an area.

The applicant has utilised their Planning Statement and Design and Access statement to provide details of the design approach for the proposal and utilised these documents to discuss how the proposal has evolved. They have also undertaken site analysis and reviewed comments made by the LPA at pre-application and during a previous application.

The siting of the proposal has been improved since the previous submission and it relates better to Eccles Street, with a smaller area of residential curtilage proposed. The scale has also been reduced and elements of the proposal would be subterranean. The use of flat roofs would also reduce the overall massing. The house has been designed to meet Passivhaus principles such as high levels of insulation, solar controlled glazing, high levels of air tightness and minimising areas cold bridging.

That said, the house itself is still large and, centrally positioned within the frontage of the site, at an elevated level. It would appear very dominant within the immediate local landscape, even with the subterranean elements. The dwelling is clearly significantly larger than any of the surrounding properties in terms of scale, and due to the elevated height of the site compared to the directly facing properties on Eccles street would appear overbearing within the street scene. The proposed development has a much larger footprint when compared to the dwellings, and buildings that bound the site and would not replicate the grain of development that is readily visible within the context of the site. The introduction of an extensive driveway would introduce a discordant, and overly urban feature into the Green Belt that would not be acceptable.

The house has a contemporary feel with a mix of flat roofs, modular blocks and terraces. The material palette follows this contemporary feeling utilising a mixture of stone, with vertical larch timber and zinc standing seam cladding for the external elevations, PPC aluminium for windows and doors and sedum roofs. Whilst stone is a material readily visible within the context of the site the other materials are not. It is noted that these materials have been utilised in order to differentiate the secondary elements from the main body of the house but it is unclear how these materials relate directly to the sensitive nature of the site.

The proposed dwelling appears overly urban in terms of form, and use of materials and does not reflect a simple, or more rural and historic aesthetic that would be more acceptable within this sensitive Green Belt and Conservation Area location. There is some vertical emphasis to the proposed openings which reflect the local vernacular, however the linear form and low roofs proposed counterbalance this. The vertical timber window screens to the north east elevation would also introduce an alien feature into the street scene that does not reflect the openings of neighbouring properties.

A gabion/boulder retaining wall is shown on the landscape masterplan however no drawings have been submitted to show what this wall would look like, and what scale it may be. Gabion walls would be likely be considered to be an overly urban element in any event, however as no drawings have been submitted of this element an accurate assessment can not be made.

Whilst the site plans indicate a restricted curtilage it is not clear how the boundary will be depicted and the landscape will nevertheless become domesticated. This, along with associated domestic paraphernalia will represent an urban encroachment into the rural landscape to the detriment of the intrinsic character of the Green Belt site.

As stated above the proposed house has been designed to meet Passivhouse principles, and whilst this is to be applauded as stated within many planning appeals, including APP/B1550/W/16/3159712 in 2017 whilst such properties are not yet commonplace, particularly within Bury, they are no longer considered to be rare nationally. The National Design guide also requires well designed places and buildings to follow the energy hierarchy which includes reducing the need for energy through passive measures including form, orientation and fabric. As such it is considered that this design approach can no longer be described as truly innovative in order to meet the tests required to meet a case for VSC.

Design quality is in part, a matter of subjective judgement. The NPPF is clear that LPAs should make use of appropriate use of tools for improving quality of design including any recommendations made by design review panels. This particular scheme has not been through a review panel and this may have been beneficial to inform the proposal and to support the claims of high quality design that have been made within the Planning Statement to support a case for VSC.

Whilst acknowledged that strides have been made in design terms when reviewing the previously withdrawn scheme, all proposed new homes should take into consideration the guidance set out within the NPPF and National Design Guidance, and it is unclear how the alterations to the scheme would be considered to be "outstanding or innovative" in terms of design.

As such, it is considered that the proposal would not constitute High Quality Design and as such this would not be accepted as a case for VSC.

Lack of visual harm and landscape enhancements

The design and access statement, ecology report, heritage statement, planning statement and landscape appraisal of key views submitted in support of the application seek to consider the proposed landscape resource and visual amenity, and to consider any potential impacts and propose mitigation.

The site is flanked by residential gardens to the east and west, with grazed farmland and Grants Wood to the north. The appraisals review the potential visual envelopes and views of the site and concludes that existing landscape features such as topography, woodland and the settlement of Ramsbottom would limit the potential visual envelope from publicly accessible locations.

The planning statement considers that as the dwelling would 'nestled' into the slope of the site and screened by existing trees that are to be retained. It is contended that the addition of this single dwelling, on the edge of an existing settlement with natural screening provided would not be overly incongruous or prominent.

It is acknowledged within the landscape appraisal that from some viewpoints the proposal would have a moderate or slight adverse visual impact at year 1 but that this can be reduced to a neutral effect over 10 years through mitigation such as plot orientation, height and massing of building, sensitive architectural detailing and suitable landscaping. The plot orientation, massing and architectural detailing however would all be visible within year 1 and therefore it appears that the application is relying on landscaping to screen the site, and mitigate the identified harm within the landscape appraisal. It is noted that the applicant has included a proposed "planted screening" to the front of the site. It is considered that a planted screen, and soft landscaping should not be utilised in order to justify an unconvincing design and that this would not be sufficient enough to mitigate the harm that has been identified within the applicant's own landscape appraisal.

Given the topography of the site it is considered that more could be done to reduce the impact of the proposal in terms of key views of the site by utilising this sloping site. Whilst there are opportunities to mitigate impact on the landscape, the proposal would, on balance, have a significant and harmful impact on what is a Green Belt site. As such, it is considered that this case would not warrant significant weighting to support inappropriate development in the Green Belt.

Landscape provision and ecological enhancement

The ecological assessments provided to support the application will be assessed fully within the ecology section of the report, including the comments provided by GMEU.

The applicant states within the planning statement that the proposal would be achieved in accordance within relevant planning policy, identified ecological considerations, wildlife legislation, best practice and local conservation objectives. This however would be a consideration for any planning application and as such does not make up a case for VSC.

The proposal also seeks to achieve a net gain for biodiversity. Whilst this is commendable, given that biodiversity net gain will apply from November 2023 for developments in the Town and Country Planning Act 1990, unless exempt, and will apply to small sites from April 2024 this is no longer considered to be exceptional, or rare to warrant inappropriate development within the Green Belt. A number of sites within Bury and nationally can now demonstrate a proposed net gain in line with Defra metrics prior to this becoming mandatory and this is no longer considered to be "very special."

Energy and sustainability enhancements

As discussed above, whilst the new property may have elements to increase its

sustainability and reduce its ecological footprint, through the use of Passivhaus Principles the case for proving the property's exceptional sustainability has not been made to a sufficient degree.

The design and access statement references that an air source heat pump will be installed but this has not been included within any of the drawings to assess the impact that this equipment may have visually. A photograph has been included within pg13 of the design and access statement but this does not demonstrate scale. Similarly a reference is made to a potential for roof mounted solar PV or a remote array within the landholding but details have not been provided.

Conditions could be utilised to ensure that the proposal meets Passivhaus standards but without the full details of the energy and sustainability enhancements proposed, the in principle harm of development within the Green Belt can not be considered to be overcome and as such is not considered to make up a case for VSC.

Housing land supply

Housing land supply has been assessed under residential principle above. The "tilted balance" refers to the presumption in paragraph 11(d) ii of the NPPF that, where the presumption applies, planning permission should be granted unless there are "adverse impacts which would significantly and demonstrably outweigh its benefits." Importantly however, this doesn't override Green Belt Policy constraints. As such, whilst delivery of housing was substantially below the housing requirement over the previous three years this is not considered to be an acceptable case for VSC in this instance.

Even so one house makes no significant contribution to housing land supply. The harm does not outweigh the minimal contribution of a single dwelling to the housing supply

Positive impact on the Conservation Area

The Heritage statement considers that the demolition of the sheds and garages will have a slight beneficial impact on the character and appearance of the Conservation Area, and that the proposed dwelling would have a neutral impact on the character and appearance of the Conservation Area.

The full impact of the proposal in terms of the Conservation Area will be discussed under Heritage below. The removal of sheds and garages however could be undertaken without the need to build a dwelling on the site. As such, it is considered that this does not make up a case for VSC.

Conclusion

Taking into consideration the 6 cases presented above and the 'tilted balance' that applies it is considered that whilst Bury has a housing delivery test result of less than 75%, the failure to provide a case for VSC and the introduction of inappropriate development in the Green Belt would not be outweighed by the benefit of providing 1 no. dwelling.

Design and layout

The impact of the proposal in terms of design and layout has been largely assessed above when considering the case for VSC. As well as the above listed policy considerations, the site is also located within a Special Landscape Area as identified under UDP Policy EN9/1 which requires high standards of design, siting and landscaping and confirms that unduly obtrusive development will not be permitted in such areas.

The site itself is an important area of open space, adjacent to the urban environment that equally adds to the visual amenity and character of the area. Whilst the site is not currently used as allotments it appears that this was its previous use which alongside Grants Woods provides a buffer between the distinctive terraced streets built in the late 19th Century. The introduction of any built form therefore needs to be mindful of the need to maintain important open spaces as set out within the National Design Guide.

As the proposed site is located within Ramsbottom Conservation Area, legislation confers statutory protection upon all trees over 75mm. In addition UDP Policies EN8 and EN8/2 seek to support the retention of trees, woods, copses and hedgerows to encourage natural regeneration and new and replacement tree planting.

Trees within the site are predominantly comprised of self-seeded trees within the areas of the former allotments. Goat Willow and Sycamore have been identified as the predominant species. Some Ash, conifers, Hawthorn and Oaks have also been noted.

The proposed dwelling and access would require the removal of trees within the eastern section of the site - T1, T2, T4 and T7 and groups G1, G2, G3, G4 and G8. Whilst some of these trees are considered to be in good condition, they have been assessed within the report as being of limited retention value and substantial native tree planting is proposed through the proposed landscaping which can be secured through condition. The report also highlights the removal of further trees for removal, due to poor health.

The submitted arboricultural report considers that the proposed access and dwelling are sited a sufficient distance from the adjacent woodland. Tree protection fencing has also been included within the tree constraints plan to protect the remaining trees, these details can be conditioned.

The existing site has been left unmanaged. Where previously you could walk through the site (confirmed by site visit by case officer in 2021) access is now restricted due to the height and density of vegetation on site.

The proposed landscape master plan shows formal gardens, areas of hard paving and terraces adjacent to the main dwelling, the majority of which would be screened. The red edge plan limits the domestic curtilage of the dwelling to some extent although it is unclear if there would be any boundary treatment between the more formal garden areas and the underplanted meadow, and native tree areas shown within the blue edge plan. Hedgerows are also shown to the frontage with Eccles Street, along parts of the southern and northern boundaries, and along the eastern boundary.

Significant additional tree and hedge planting is proposed as a screen to Eccles Street and this has been commented on above. Whilst the meadow areas would return the site to a more open form of soft landscaping, as the site would be viewed previously part of this would be screened by buildings, hedgerows and significant trees that would impact on the character of the identified important open space.

The assessment above has considered that design of the dwelling within the context of the locality. It is considered that the proposed dwelling, even when assessed outside of the context of a Green Belt site would by reason of its size, position and design, be a prominent and intrusive feature in the streetscene and would therefore, be seriously detrimental to the visual amenities of the area. The proposed development would therefore be contrary to Bury Unitary Development Plan Policies H2/1, H2/2, EN1/2, EN9/1, OL1/2 and the principles of the NPPF.

Heritage

As the site is located within Ramsbottom Conservation Area it is necessary to consider the proposal in terms of UDP Policies EN2/1 - Character of Conservation Areas and EN2/2 - Conservation Area Control of the UDP.

Paragraph 202 of the NPPF states where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Paragraph 206 of the NPPF states that local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites,

and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.

The proposed dwellinghouse would be sited in a pocket of open land which slopes upwards towards the west from Eccles Street. The site is bordered to the east by Eccles Street and early 21st century housing development and beyond and to the north and south west mid to late-19th century dwellinghouses which are of a vernacular design, form, layout and materials being terraced two storeys constructed from local stone with pitched slate roofs.

The modern housing on Eccles Street whilst differing from the vernacular with regard to form and orientation and exhibiting some contemporary architectural features such as porches, a detached garage and front facing projections do reference the vernacular built environment with stone construction and pitched roofs.

The proposal would represent a very contemporary design sited on open land. It would be in a visually isolated location and therefore visually dominant in relation to Eccles Street within a rural part of Ramsbottom conservation area. It would bear no reference to the character or appearance of the conservation area with regard to its vernacular built environment.

The design of the proposal is very contemporary with flat roofs and vertical cladding in contemporary materials. It provides no architectural interest consisting of a cluster of boxes giving a very utilitarian feel reminiscent of shipping containers.

As such the proposal represents an incongruous feature within that part of the conservation area and would not enhance or better reveal the significance of the character and appearance of the conservation area as required by paragraph 206 of the NPPF. The applicant does reference the existing negative features on the site, outbuildings and other dilapidated features which would be removed from the site if the proposal was approved, however this could be achieved without the proposed development.

The proposal would not preserve or enhance the character or appearance of the conservation area nor better reveal its significance as required by paragraph 206 of the NPPF. As such it represents less than substantial harm to the character and appearance of the conservation area which is considered to be at the higher end of that spectrum. The perceived public benefit of the addition of one new dwelling to the housing supply does not outweigh the harm identified to the character and appearance of the conservation area.

The application cannot be supported in heritage terms as it would either not comply with or be contrary to paragraphs 199, 202 and 206 of the NPPF and adopted Bury UDP policies EN2/1 - Character of Conservation Areas and EN2/2 - Conservation Area Control.

Neighbouring Amenity

UDP Policy H1/2 states that the council will have regard to various factors when assessing a proposal for residential development, including whether the proposal is within the urban area, the availability of infrastructure and the suitability of the site, with regard to amenity, the nature of the local environment and the surrounding land uses. This is further supported by Policy H2/1 that requires an assessment of the impact of developments on residential amenity and the position and proximity of neighbouring properties. There are no adopted aspect standards for new build residential properties however, Supplementary Planning Document 6 provides guidance on aspect standards between residential properties and as such, would be a reasonable guide in this case.

For clarity the following aspect standards would be applicable:

- 20 metres between directly facing habitable room windows;
- 13 metres between an existing habitable room window and a proposed two storey blank wall
- 6.5 metres between an existing habitable room window and a proposed single storey

- blank wall
- 7 metres between a proposed first floor habitable room window and a directly facing boundary with a neighbouring property.

No aspect standards are included to assess the impact of proposed planting.

Any assessment will take into account significant change in levels or new accommodation to be provided at a higher storey. In this regard, there should be an extra 3 metres of separation for each 2.5m or one storey of height or level difference in each of the above cases. In this instance 6 metres will be applied for this application site due to the 4.8 metre difference in height between the ground floor of No. 4 Eccles Street and the ground floor of the proposal site.

The proposed ground floor windows facing towards Eccles Street are associated with non-habitable rooms (hallway or entrance hall) and as such aspect standards have not been applied.

The two storey elements of the proposed property would be located a between approximately 19.5 metres and 24 metres from the front ground floor windows of the properties on Eccles Street. A distance of 19 metres would be required under SPD 6.

A playroom is shown to the front first floor. Whilst this may be considered to be a non-habitable room the room is of such a size that it could be utilised as a bedroom, or habitable space and as such an assessment has been undertaken using the above aspect standards. The proposed first floor window associated with the play room would be located approximately 12.7 metres from the front boundaries of No. 8 and No. 6 which would be below the 13 metres required by SPD6 however these areas are open frontages/parking areas rather than areas of private amenity space and as such a deficit or approximately 300mm is considered to be acceptable.

The section plan shows that the proposed first floor window would have a direct onward view above the roof of No. 4 Eccles Street, however given the elevated height of the site there would be potential downward views from this window into the first floor habitable room window of No. 6 and ground floor habitable room windows of No. 8 Eccles Street. Given the differences in height it is considered a distance of 26 metres should be provided between this window and the front elevations of these properties. A distance of approximately 19.5 metres can be provided, which is below the aspects required even if the site was not at an elevated position. As such, it is considered that this window would lead to undue loss of privacy for the dwellings at No. 6 and No. 8 Eccles Street.

By its nature, a balcony or terrace is intended to facilitate informal outdoor use when the weather permits. The proposed terrace would be located approximately 14.8 metres from the directly facing front boundary of No. 4 and 6 Eccles Street exceeding the 13 metres required by SPD 6. A distance of 24 metres can be provided from the front elevations of No. 4 and No. 6 Eccles Street which would be below the 26 metres required. As such, it is considered that the proposed terrace would lead to an undue loss of privacy for the dwellings at No. 4 and No. 6 Eccles Street.

It is noted that a planting screen is proposed along the front of the site however these trees would take some time to become established in order to mitigate against the overlooking issues highlighted and there is potential if these are not managed that the proximity of these trees to the front of the dwellings on Eccles Street could also become unduly overbearing.

The remaining habitable room windows would be separated from the properties on Tanners Street by a minimum of approximately 44 metres, and from the dwellings at Douglas Street by approximately 58 metres and would be screened by intervening landscaping and boundary features.

Ecology

Bats

Bat assessments can occur at any time of year and for trees are best carried out when no leaves are present. As such GMEU have raised no issue with the preliminary bat survey, which assessed the buildings as a negligible risk and the majority of the trees as negligible risk. Two trees have been assessed as moderate risk and would be retained.

With regards bat activity GMEU have no reason to doubt that it is high in this location and the consultant's themselves have assessed the site as being of high value for foraging and commuting bats. Five bat roost records are located within 400m of this site. This is therefore a material consideration but given the scale of the site and the availability of similar habitats to west and north its loss is very unlikely to be significant. The general guidance is that bats will commute up to 400m from their roost to for foraging areas but this is more a guide for the level of risk of a property having a roost when deep in an urban area, not the other way around with bats in fact travelling significantly further to forage.

Two trees on the site were assessed as having bat roosting potential by a suitably qualified consultant. Both are currently proposed for retention. As this situation may change GMEU have recommended a condition to prevent their removal unless further survey information has been provided.

The site was also assessed as being potentially important for foraging bats. It is therefore advised that the use of external lighting should retain dark corridors along the edges of the woodland. No external lighting is shown on the proposed plans. Clarification regarding whether any external lighting is proposed is recommended by GMEU however, as the principle of development at this site has not been established this additional information has not been requested.

Badgers

Badger activity was recorded previously but no setts were impacted upon. This report is in GMEU's opinion no longer valid given the time that has elapsed and ability of badgers to colonise new sites. GMEU have requested that prior to determination an updated badger survey report is provided. As above, as the principle of development at this site has not been established this additional information has not been requested.

Nesting Birds

The development would result in the loss of bird nesting habitat including trees, scrub and buildings. All British birds nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife & Countryside Act 1981, as amended. GMEU recommend a condition to restrict tree works to outside of the nesting season.

Invasive Species

One species included within schedule 9 part2 of the Wildlife & Countryside Act 1981 (as amended), monbretia was recorded. It is an offence under the Wildlife & Countryside Act 1981, as amended to introduce, plant or cause to grow wild any plant listed on this schedule. Unlike Japanese knotweed, Himalayan balsam and giant hogweed, this species is not as difficult to control, however a earthworks method statement would still be required through condition.

Protection of other Wildlife

The site is suitable for hedgehog, which often utilise scrub to nest as well as amphibians and reptiles. Reasonable avoidance measures are recommend under section 5.3.15 of the report. I agree with this recommendation. GMEU therefore recommend a condition

The development shall be carried out in accordance with the reasonable avoidance measures for wildlife contained in the Ecological Survey and Assessment - ERAP ref. 2021-389b, Section 5.3.15 as already submitted with the planning application and agreed in principle with the LPA prior to determination.

Contributing to and Enhancing the Natural Environment

Section 174 of the NPPF 2021 states that the planning policies and decisions should contribute to and enhance the natural and local environment. A net gain assessment, assumed to be based on the new layout, has been provided, but it has not been properly uploaded to the planning portal with only the front page available, and the excel spreadsheet supplied via email is corrupt. The agent was unable to provide a fresh spreadsheet in time for this to be fully assessed by GMEU prior to determination.

Given the information provided within the ecological report it appears that a net gain of habitat units of 29.62% and Hedgerow units of 29.13% can be provided. Given the scale of the land that is under the applicant's control it is considered that it is likely that a net gain can be provided on site however the full calculations would be required to verify the extent.

Access and Parking

UDP Policy EN1/2 - Townscape and Built Design requires the consideration of the design and appearance of access, parking and service provision. This is further supported by UDP Policy H2/2 - The Layout of New Residential Development that requires proposals to demonstrate adequate car parking provision, access for both vehicles and pedestrians, and provision for public transport and the existence of any public rights of way, and UDP Policy HT6/2 - Pedestrian/Vehicular Conflict that requires developments to reduce pedestrian/vehicular conflict.

The plot would be accessed by public right of way Footpath No. 59. As such UDP Policy RT3/3 - Access to the Countryside is also applicable as it requires the Council to seek to improve and extend the existing network of Public Rights of Way.

Whilst private rights of access would be a non-material planning consideration, the proposal would intensify the use of the public rights of way through the introduction of more traffic. Residents have confirmed that the footpath is heavily used, and it has been promoted for use by school children to access a local school. Various visits to the site by the case officer over the years confirm that the public right of way that is proposed to be used to access the site are not ideal for vehicular traffic.

In order to maintain the existing network of public rights of ways, and to ensure that the vehicles required to deliver materials to site, and construct the proposals do not negatively impact on the condition of the public right of way a condition could be attached to provide a dilapidation survey of public right of way in the event that subsequent remedial works are required following construction of the development, however this would not address the potential conflicts between users of the footpath. The access is considered by the Public Rights of Way Officer, and Highways Officer to be substandard in terms of width, facilities for pedestrians and visibility at its junction with Tanners Street. The development, despite proposed highway improvements, would likely lead to conflicts on the adjacent adopted highway and with users of the right of way, to the detriment of the free flow of traffic and road and pedestrian safety and whilst the Highways Assessment has provided some details in relation to the Tanners Street junction it has not reviewed the potential conflicts that could be created along Eccles Street.

There is evidence on the ground of walked paths across the area containing the site, although these may run outside the site boundary. These paths do not appear on the Definitive Map as recorded public rights of way. Some investigation following the previous application has not allowed the Authority to conclude whether a right of way has been created 'through usage', but the applicant should again be made aware that there is the possibility of a claim being received by the Authority which could delay any development.

In relation to the driveway, the Highways Officer has reviewed the proposed plans and considers that the access to the site is substandard in terms of visibility at the interface and junction with Eccles Street. A garage and wall are located to the south of the site and no information has been provided in terms of plotted visibility splays to ensure that this new access is sufficient in relation to the proposed use. No sections have been provided of the sunken drive showing any changes of levels that may occur within the site, and at the interface

with Eccles Street. Whilst acknowledged that parking currently takes place at this site the proposal seeks to formalise this interface with Eccles Street and introduce a driveway and whilst the Highways Assessment states that there would not be an intensification of use at the access, no evidence has been supplied to substantiate this statement.

The proposed development is therefore considered to be contrary to UDP Policies EN1/2 - Townscape and Built Design, H2/2 The Layout of New Residential Development, HT6/2 - Pedestrian/Vehicular Conflict and RT3/3 - Access to the Countryside

In terms of parking standards UDP Policy HT2/4 requires all applications for development to make adequate provision for their car parking and servicing requirements. Supplementary Planning Document 11 provides parking standards for developments.

The site appears to be located just outside of the high access area set out within SPD11 and as such a maximum of 3 parking spaces would be required for a 4 bedroom house. The application form states that 4 spaces are currently provided on site, with 6 proposed leading to a net gain of 2 spaces. The existing site plan does show existing garages and an existing communal parking area but it is unclear how the allocation of 4 spaces has been calculated. The proposed site plan does not denote car parking spaces. A review of the supporting documentation does not clarify the position, and indeed the design and access statement states that additional communal car parking will be provided for local residents which is not shown on any plan.

It appears that there would be a loss of communal car parking created due to the location of the access, with the additional spaces created in association with the dwelling. It is unclear where these communal car parking spaces would be displaced to however a more detailed existing and proposed car parking plan would be required to make this assessment fully. Parking standards however are a maximum, and it appears that there is possible space within the red edge to provide the parking spaces required, at least for the dwelling. Given that the principle of development has not been accepted this additional information has not been requested. It is considered therefore that incipient information has been submitted in relation to parking.

Bin storage is shown on the site plan as proposed but this plan is not detailed enough to show means of enclosure, whether the 4 bins used by bury can be accommodated fully, and whether they can be accessed for bin wagons by means of submission of swept path analysis plans. This detail however could be conditioned, and considering other dwellings on the opposite side of Eccles Street do get their bins collected there is a reasonable prospect that this could be secured at this site.

Structural Stability and Contamination

Paragraph 183 of the NPPF states that planning policies and decisions should ensure that: a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation); after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and adequate site investigation information, prepared by a competent person, is available to inform these assessments.

Paragraph 184 states that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

The Environmental Impact Statement identifies that "The property, or an area within 50m of the property, has a moderate to high potential for natural ground subsidence. This rating is derived from the British Geological Survey's GeoSure database, and is based upon the natural qualities of the geology at the site rather than any historical subsidence claims or events."

Given the above, that the proposal would involve excavation for the subterranean elements and the neighbouring properties have highlighted potential instability in the existing retaining wall to the front of the site Building Control have been consulted as part of the application.

They have confirmed that the design of any new property must comply with the Building Regulations, which would be outside of the planning process.

In connection with both structural stability and the provision of suitable foundations the requirements are detailed in Approved Document A.

Due to the topography of 'edged red' site a foundation design should be provided by a suitably experienced Chartered Structural Engineer. The design should make reference to the stone retaining wall immediately adjoining Eccles Street and include a specification and design for necessary remedial works.

Initially a site investigation should be carried out following the guidance provided in British Standard 5930 Code of Practice for Ground Investigations . Using the results of the ground investigation a suitable foundation should be designed making provision for the both the site topography and local ground conditions. The foundation design should follow the guidance in BS 8004:2015 Code of practice for foundations

These details could be included within an informative for any permission, to inform the applicant of the requirements of Building Regulations for the proposal.

The Environment Section have been consulted in relation to contaminated land and it is considered appropriate to attach conditions requiring a contaminated land desktop survey to be undertaken prior to commencement of development and the implementation of any necessary mitigation measures in the interests of health and safety. This complies with the NPPF and UDP Policy EN7 Pollution Control.

Drainage

The site is not located in Flood Zone 2 or 3.

In terms of drainage any proposal should include a surface water scheme that must be based on the hierarchy of drainage options in the National Planning Practice Guidance and include assessment of potential SuDS options for surface water drainage with appropriate calculations and test results to support the chosen solution. It must be designed in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015). Details of proposed maintenance arrangements should also be provided. Details of a drainage scheme however could be conditioned.

The applicant should also be mindful of the comments made by United Utilities in relation to the easements in the vicinity of the proposed development site.

Conclusion

The report above has outlined a number of adverse impacts that would be created through the proposed development. It is considered that when applying the tilted balance within paragraph 11d of the NPPF that the benefits of providing 1no. dwelling at the site, would not significantly or demonstrably outweigh the adverse impacts identified and therefore the application should be refused.

Response to representations

It is considered that the material planning considerations raised within the representations submitted have been considered within the main body of the report.

Matters dealt with by building regulations, or other non-planing legislation would be considered to be non-material planning considerations not relevant to the decision.

The applicant/agent has signed Certificate B and declared that they have served notice on the relevant land owners.

Matters in relation to existing traffic issues on Tanners Street, drainage issues etc would be outside of the control of the applicant/this planning 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: Refuse

Conditions and Reasons:

- 1 The proposed development would, by reason of its size, position and design introduce a discordant, intrusive and permanent development which would have a detrimental and long term harmful impact on the character and openness of the Conservation Area, Green Belt and Special Landscape Area. The applicant has failed to demonstrate very special circumstances that would outweigh the harm caused to the openness of the Green Belt. The proposal would not preserve or enhance the character or appearance of the Conservation Area nor better reveal its significance. The proposed development would therefore be contrary to Bury Unitary Development Plan Policies H2/1- The Form of New Residential Development, H2/2 - The Layout of New Residential Development, EN1/2 - Townscape and Built Design, EN9/1 - Special Landscape Areas, OL1/2 - New Buildings in the Green Belt, EN2/1 - Character of Conservation Areas and EN2/2 - Conservation Area Control, Paragraphs 199, 202 and 206 of the National Planning Policy Framework and Chapter 13 of the National Planning Policy Framework - Protecting Green Belt Land.
- 2 The proposed dwelling would result in an unacceptable reduction in the level of privacy currently enjoyed by the occupiers of No.4, No.6 and No.8 Eccles Street by reason of the sub-standard distances between the proposed first floor window and terrace and existing habitable room windows on the directly facing properties. The proposed development therefore conflicts with Unitary Development Plan Policies H1/2 - Further Housing Development, H2/1 - The Form of New Residential Development and Supplementary Planning Document 6: Alterations and Extensions to Residential Properties.
- 3 The application and submitted plans contains insufficient information in relation to essential ecological surveys. The assessment of badger activity is considered to no longer be valid due to the time that has elapsed and the ability of badgers to colonise new sites. No information has been provided as to whether any external lighting is proposed which has the potential to impact on foraging bats. The proposed development would therefore be contrary to Bury Unitary Development Plan Policies: EN6 - Conservation of the Natural Environment, EN6/3 - Features of Ecological Value, EN6/4 - Wildlife Links and Corridors and Chapter 15 - Conserving and enhancing the natural environment of the National Planning Policy Framework.
- 4 The application and submitted plans contain insufficient information in relation to the proposed gabion/boulder retaining wall, potential bin storage enclosure, proposed air source heat pump and potential roof mounted Solar PV or remote array to enable

them to be properly assessed in terms of visual and residential amenity. The proposed development would therefore be contrary to Bury Unitary Development Plan Policies H2/1- The Form of New Residential Development, H2/2 - The Layout of New Residential Development, EN1/2 - Townscape and Built Design, EN9/1 - Special Landscape Areas, OL1/2 - New Buildings in the Green Belt, EN2/1 - Character of Conservation Areas and EN2/2 - Conservation Area Control, Paragraphs 199, 202 and 206 of the National Planning Policy Framework and Chapter 13 of the National Planning Policy Framework - Protecting Green Belt Land.

- 5 The proposal would result in the intensification of use of a route classified as Public Footpath No. 56, Ramsbottom (Eccles Street), where visibility and facilities for pedestrians are sub-standard at its junction with Tanners Street, which would be detrimental to highway safety and maintaining the free flow of traffic on the adjacent restricted highways. The proposed development would therefore be contrary to Bury Unitary Development Plan Policies EN1/2 - Townscape and Built Design, H2/2 The Layout of New Residential Development, HT6/2 - Pedestrian/Vehicular Conflict and RT3/3 - Access to the Countryside.

- 6 The proposed access is substandard in terms of visibility at the interface and junction with Eccles Street, which would be detrimental to highway safety and present a hazard to users of Public Footpath No. 56, Ramsbottom. The proposed development would therefore be contrary to Bury Unitary Development Plan Policies EN1/2 - Townscape and Built Design, H2/2 The Layout of New Residential Development, HT6/2 - Pedestrian/Vehicular Conflict and RT3/3 - Access to the Countryside.

- 7 The application and submitted plans contain insufficient information in order to properly assess existing and proposed parking arrangements within the site. The proposed development would therefore be contrary to Bury Unitary Development Plan Policies EN1/2 - Townscape and Built Design, H2/2 The Layout of New Residential Development, HT2/4 - Car Parking and New Development and Development Control Policy Guidance Note 11 - Parking Standards in Bury.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
HP 24/08/2023		DM - 24/08/2023	