

Description

The application relates to a plot of land located to the north of Dovehouse Close. The site is steeply sloping with Dovehouse Close being approximately 8 metres lower than the land to the north (Ringley Drive). The slope contains vegetation and there is a stone wall across the frontage with the highway. A public footpath passes along the front of the site, and along the eastern boundary with steps up to the Ringley Drive.

An electricity substation, garage, and three storey flats are located to the east of the site. To the south there are residential properties consisting of two storey dwellings and a three storey block of flats. To the north there is a bungalow with rooms in the roof space which is access from Ringley Drive.

Planning permission is sought for the construction of one detached dwelling with integrated car port. The proposed dwelling would be two storeys in height with living accommodation in the roof spaces. Access would be taken from Dovehouse Close.

Relevant Planning History

33543 - Residential development - 1 detached dwelling at land at Dovehouse Close, Whitefield. Refused - 8 January 1998. Allowed on appeal - 1 June 1998.

02663/E - Erection of detached dwelling and garage; (access to the garage via Dovehouse Close) at land adjacent to 11 Dovehouse Close, Whitefield. Enquiry completed - 8 December 2021.

68320 - Erection of 1 no. detached dwelling with garage - Refuse - 12/08/2022

Publicity

Neighbour letters sent 02/03/2023 and 06/03/2023 to

19 objections and 1 petition received in relation to:

- Access for emergency services, residents and refuse trucks will be restricted.
- Impact on parking
- Access is over land outside the applicant's ownership.
- The application has been objected to previously the removal of the garage from the plans would not restrict cars being parked on the land or on the street.
- Increased traffic.
- Disruption and noise pollution whilst building will impact on people working from home.
- Children play on the streets.
- Noise from piling and building work.
- Will hold full responsibility to Bury council if any movement or destruction of garages, power station or embankment.
- Disruption when utilities are installed.
- Where will builders vehicles park?
- Dirt and dust during construction period.
- The site is adjacent to an unstable cliff face in a 'sandy' area. There is no published evidence of a professional detailed analysis of the technical viability of the proposed development.
- At present there is a 2m retaining wall, holding back 1.4m of soil, rising to meet the 8m 'cliff face' where tree roots stabilise the plot from landslide. I worry that the proposal will destabilise the whole embankment and would be fearful of a major landslide during stormy weather conditions.
- Would appreciate if an engineer could come to our property to assess my concerns.
- Possible collateral damage to stability of embankment and subsequent damage to nearby persons, properties and vehicles.
- Land there is still potentially subject to instability since collapse of the embankment and

garages at Dovehouse Close flats in 1995 to the right of the sub-station.

- The development would undermine the stability of No.7 Ringley Drive, the existing embankment and the public right of way/footpath linking Dovehouse Close to Ringley Drive.
- Public Footpath is still in use.
- Nature and wildlife will be lost.
- The trees are a habitat for nesting birds, and since moving to I have counted, Magpies, Blackbirds, Blue Tits, Cold Tits, Long-tailed Tits, Great Tits, Starlings, Robins, and just recently a pair of lesser spotted woodpeckers.
- We all at Dovehouse Close are very concerned what may lay underneath the undergrowth. There are foxes that come nightly up the road, and could be living there. There are possible rodents living underneath. The last thing we need are a swarm of rodents.
- The land owner has never attended to the overgrowth in the time he has obtained the land.
- The proposal to incorporate wall planters for shrubs on the new retaining wall is utterly insufficient.
- No Habitat/Ecology or Arboricultural Surveys have been provided.
- Property is taller and higher than others in the area. Given it is at the top of the hill, it will be higher even than the two storey flats making it out of keeping with other properties.
- Although the submitted plans only identify 3 bedrooms on the first floor, the two unlabelled rooms on the second floor will be used as bedrooms. Therefore, the proposal is clearly for a five bedroomed house.
- The street scene would be severely affected by this proposal. The wall of green at the top of the Close, would turn into a hard built cityscape, with a property totally out of character to the rest of the detached houses.
- Land concerned is inadequate to accommodate the property being planned for this site.
- The height of the proposed building is the same as the previous refused proposal (18.50mAOD), which was refused in part due to its size.
- The width (10m+), depth (circa 8.5m) and height (8m) of the building are all the same as the original refused application
- The visual impact of a 7-8m high retaining wall would be overbearing and construction of which is unfeasible on this site.
- The proposed retaining wall is of large precast concrete block type, therefore not appropriate for a residential area.
- The proposed section (Drawing No. 21082/11) does not show a section through the retaining wall - only showing the proposed house and existing embankment, misleading the visual impact of this structure.
- No details have been provided as to how the rear garden will be 'terraced' or how it will tie in with the rear boundary.
- Topographical survey incorrectly labels sub-station and garages.
- Adjacent to the PROW is a Substation, which could be compromised/damaged.
- The increase in 'hard landscaping' and subsequent loss of absorbent buffer land would increase the risk of flash flooding Dovehouse Close.
- Lack of suitable utilities and infrastructure to support a new dwelling.
- The original objections from the first proposal (local residents, highways and utility companies) should have sufficed that this is NOT A PROJECT that could continue to be proposed for planning.
- Previous reasons for refusal not addressed.
- Given the inherent unsuitability of this land for a new house, we also hope that no further planning applications will be considered.
- Loss of privacy .
- It's about time that you all woke up in planning and make a trip to Dovehouse close early evening and just see how congested it is.

Following receipt of amended plans, and structural information amended neighbour letters sent 28/07/2023. 13 further objections received in relation to:

- Danger of cars reversing from car port.
- Car port could be converted to an additional room.
- Stability of land.
- Drainage and flooding - insufficient sewerage in area.
- Noise pollution.
- Previous reasons for refusal not addressed.
- Would be a 5 bedroomed house.
- Proposed resin base driveway goes against the need for a 'permeable' surface.
- Proposed house footprint appears to be approx. 10 feet from unstable sandy cliff-face. Developer intends to 'pile drive' retaining walls. This could render the current public footpath unstable and unsafe to use. The 2 houses above, in Ringley Drive, could have their foundations severely affected.
- Given previous landslips, the danger is that additional work will be required to shore up the slope at greater cost to the developer. Been warned against using piling by a structural surveyor because of knock on damage.
- Loss of trees, shrubs and wildlife.
- Loss of parking.
- On site parking insufficient.
- Some of the plans mix up the locations of the Electricity Sub-station and bin store for the Dovehouse Close flats.
- Disruption during construction.
- Noise.
- Access for residents and emergency vehicles.
- Access to site across land outside of applicant's ownership.
- Refused previously.
- An active retained slope of 0 degrees has been assumed. This is incorrect, the slope remains at approx 1:1 on top of the retaining wall
- A retaining wall calculation has been submitted which does not reflect the true proposed situation and does not relate to this proposal.
- The retaining wall will be surcharged by the dwelling at the rear, this has not been allowed for within the calculations.
- A brochure for precast concrete blocks has been provided within the Site Investigation - this is not a contig piled retaining wall.
- Concrete blocks have the same appearance as a motorway bridge abutment (as we have stated previously). This is not appropriate for a suburban residential setting, especially at up to 7-8m retained height.
- The site investigation summary/recommendations ignores how this is meant to be carried out - this site is not in the middle of a field
- feel the scheme is not feasible technically.
- No ecology surveys
- Public footpath located next to the site.
- Application has been delayed and caused anxiety to residents.

Statutory/Non-Statutory Consultations

Traffic Section and Public Rights of Way Officer - recommendation for refusal due to substandard parking and turning facilities, substandard visibility and insufficient information

Environmental Health - Contaminated Land - Conditions requested in relation to the submission of a contaminated land preliminary risk assessment, site investigation, detailed risk assessment, remediation strategy and verification report.

Greater Manchester Ecology Unit - Ecological issues remain unchanged from the previous application 68320 and include nesting birds, other wildlife and mitigation for loss of semi-natural habitats.

United Utilities (Water and waste) - recommendation for a SuDs condition. Information

supplied in relation to UU assets.

Waste Management - No response

Borough Engineer - No objections, subject to the inclusion of a condition relating to detailed drawings and an Approval in Principle document.

Drainage - No response

Pre-start Conditions - Not relevant

Unitary Development Plan and Policies

<SQLDCPolicyComRep>

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 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. There is a particular emphasis, as in previous national planning guidance, to identify 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 with 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.

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 within the urban area and there is residential development to all boundaries. As such, the proposed development would not conflict with the surrounding land uses. Therefore, the proposed development would be acceptable in principle and would be in accordance with Policy H1/2 of the Bury Unitary Development Plan and the NPPF.

Design and Layout

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 design of any new dwelling within the context of this street scene 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.

The proposed development would be two storeys with living accommodation in the roofspace. Whilst one of the pike details and the proposed garage has been removed, the design has not changed significantly from the previously refused scheme when viewed from Dovehouse Close. However additional street scene plans have been submitted to enable the scale and massing of the dwelling to be assessed.

The proposed dwelling would have a single pike gable to the front elevation, which is not seen in the surrounding locality. It is noted that the neighbouring property at No. 11 has recently had a first floor front extension approved however this proposed extension had a hipped roof, and this property is not sited at the head of a sloping cul-de-sac. It is also acknowledge that a number of properties have utilised render and new windows to the front elevations which give a more contemporary feeling to some of the original buildings along the street scene, however it is clear that this are later additions and alterations and there is still a cohesion of design when reviewing scale, form and massing of these properties. Street scene plans have been supplied with the application, and the house would still appear to be top heavy when compared to the scale and massing of the neighbouring properties and would be sited above the height of the adjacent apartments. The footprint of the property in relation to amenity space surrounding the property also does not reflect the grain pattern of development in and around Dovehouse Close. Therefore, the proposed development would conflict with Policies EN1/2, H2/1 and H2/2 of the Bury Unitary Development Plan and the NPPF.

The only area of private amenity space would be located at the rear of the proposed dwelling. Given the difference in levels, the area hatched in green would be at a higher level than the remainder of the amenity space. No access to this area is shown on the proposed plans. As such, the only usable private amenity space would vary between 1.5 metres and 1.3 metres in depth, which would not be sufficient for a 3 bedroom dwelling. In addition, the two un-named rooms at first floor level are large rooms and could be used as a bedroom by future occupiers. A raised patio is shown on the proposed floor plans and elevations that is not shown on the landscaping plan and it is also unclear how this would be accessed. The proposed amenity space would not be sufficient for a 5 bedroom property. Therefore, there is insufficient land available to facilitate the proposed development which would conflict with Policies EN1/2, H2/1 and H2/2 of the Bury Unitary Development Plan and the NPPF.

The proposed street scene plans, and proposed elevations do not include full details in relation to the proposed retaining walls. The agent acting on behalf of the applicant stated that the house would be built against the retaining wall thus hiding it from the front elevation and that the garden to the right side will be landscaped which will hide the retaining wall from being seen from the front and side elevations. The proposed retaining wall is marked upon the proposed landscaping plan, but no elevation details have been provided. The heights of the wall have been indicated between 1.5 m and 6.5 m however it is not clear on the proposed development landscaping and car access plan where the changes in heights will take place, or whether there will be any sort of transition between the heights.

Whilst the property may screen parts of the wall, the west side wall fronts Dovehouse Close. The proposed retaining wall would stop approximately halfway along the steps, which form part of the public right of way, and the rear wall may also be visible from this public right of way. Irrespective of this, the wall is development requiring planning permission. It is to form a pertinent part of the sscheme and thus details should be provided. The proposed development landscaping plan states that the proposed walls would be built in bored piles. The structural information submitted states that the wall

materials will consist of concrete cubes, and a brochure for concrete blocks has been submitted however no drawings to show these structures have been supplied. No details have been provided of the full extent or design of the 1 metre fence that is proposed to be erected on top of the existing wall. As such it is considered that insufficient information has been provided in relation to the retaining structures and boundary treatments to allow them to be fully assessed in terms of visual amenity. Therefore, there is insufficient information available to allow the visual impact the proposed retaining structures to be fully assessed which would conflict with Policies EN1/2, H2/1 and H2/2 of the Bury Unitary Development Plan and the NPPF.

Residential Amenity

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.

For each additional storey or 2.5 metre difference in height, an additional 3 metres will be added to the aspect standard.

There would be approximately 30 metres between the 3 storey flats at Nos 42 - 58 Dovehouse Close and the gable wall of the proposed dwelling, which would be in excess of the 16 metres aspect standard.

There would be approximately 10.5 metres between the proposed front elevation of the dwelling and the three storey blank wall of the existing flats. This would be below the aspect standard of 16 metres and would have a significant adverse impact upon the amenity of the occupiers of the proposed dwelling.

The proposed section plan shows that No. 7 Ringley Drive would be at a higher level than the proposed dwelling. The section plan however indicates that the proposed roof of the dwelling would be located to the front of ground floor windows of this property. It would appear that a distance of approximately 7.2 metres and 9.2 metres can be provided between these existing windows and the proposed roof exceeding the 6.5 metres required by SPD 6 when assessing overbearing relationships.

The proposed window for bedroom 3 would face towards the habitable room windows of the flats at Nos 42 - 58 Dovehouse Close. A distance of 30 metres can be provided exceeding the 20 metres required. The proposed bedroom window for bedroom 3 would be located approximately 5133mm from the directly facing boundary which is below the 7 metres required by SPD 6. As such the applicant would be relying on views over land outside of their control and there is potential for this proposed window to be impacted should this area

of land ever come forward for re-development, or should any walls or works need to be undertaken on the adjacent steps/public right of way. It is unclear what extent of screening is proposed along this side boundary as no elevations have been provided.

The proposed rear first floor windows would relate to non-habitable rooms (ensuite and bathroom) and as such aspect standards have not been applied.

There are no proposed first floor side windows on the left elevation.

The proposed front first floor windows for bedroom 1 would face towards the blank gable of Nos 6-14 Dovehouse Close. Similarly the proposed second floor window for an un-named room would face towards this blank gable as such no undue overlooking is foreseen from this window.

The front first floor window for bedroom 2 would face towards the open fronted garden space, and front balconies associated with Nos 6-14 Dovehouse Close. Due to the intervening highway would be located approximately 10 metres from the boundary of this property, exceeding the 7 metres required by SPD 6.

There are no proposed side ground floor windows.

The proposed front ground floor front habitable room window would have an onward view of the blank gable of the directly facing block of flats. The front door and associated windows, and car port would be associated with non-habitable rooms and as such aspect standards have not been applied.

The proposed landscaping plan states that the height of the proposed rear retaining wall would be 6.5 metres in height. As such, this would be the equivalent of a two storey blank gable and there should be 13 metres from a habitable room window to the retaining wall. There would be a distance of approximately 3 metres between the proposed dining kitchen window, and the proposed retaining wall which would be significantly below the required aspect standard and would have an adverse impact upon the amenity of the occupiers of the proposed dwelling. This is even more concerning as this is the only window for this room.

Therefore, the proposed development would have an adverse impact upon the amenity of the future occupiers of the proposed dwelling and the neighbouring properties and would conflict with Policies EN1/2, H2/1 and H2/2 of the Bury Unitary Development Plan.

Landscaping

Section 174 of the NPPF 2021 states that the planning policies and decisions should contribute to and enhance the natural and local environment. The development will result in a loss of semi-natural habitat and associated bird nesting habitat to a building and hardstanding. Compared to the previous application there will be more soft landscaping due to the reduced footprint of the building. There will still however likely be a net loss at the site level.

Given the scale of the loss likely around 0.1 biodiversity units at most. The proposed development would not provide any form of soft landscaping, except for the small area at the rear of the site, which would impact upon the character of the area. No tree survey was submitted with the application, so it is not possible to assess the character and quality of the trees to be removed and whether these should be retained.

Details of additional native shrub planting at the rear, the inclusion of at least one bird and one bat box and the inclusion of native tree planting could be included within a landscaping condition however this has potential to impact on any potential usable amenity space given the footprint of the building proposed.

Looking at the wider area, there is a corridor of trees and shrub from the rear of the properties on Richmond Close to Park Lane. The layout of the proposed development would block this wildlife link and would have an adverse impact upon the natural environment. Therefore, the proposed development would conflict with Policies EN1/3, EN6/3 and EN8 of the Bury Unitary Development Plan and the NPPF.

Ecology

Protected Species

It still is very unlikely that there would be any protected species issues on this site. No further information or measures are required.

Nesting Birds

There is scrub present on the site that will provide potential bird nesting habitat. All British birds nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife & Countryside Act 1981, as amended. I recommend a condition along the following lines be applied to any permission.

No works to trees or shrubs shall occur between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance and written confirmation provided that no active bird nests are present which has been agreed in writing by the LPA.

Other Wildlife

This sort of habitat is favoured by species such as hedgehog for nesting and hibernating. Hedgehog is a UK Biodiversity Priority Species and therefore a material consideration for planning and it under the Wild Mammal (Protection) Act 1996 it is an offence to inflict unnecessary suffering to wild mammals. Planning consent does not provide a defence against prosecution under this act. I recommend a condition along the following lines is applied to any permission.

Prior to any earthworks or vegetation clearance a reasonable avoidance measures method statement for hedgehog and other wildlife shall be supplied to and agreed in writing by the LPA

Highways

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 proposed development would be accessed from Dovehouse Close and the adopted highway stops at the top of Dovehouse Close between No. 11, and the flats at Nos 6 - 14. The proposed access would be quite narrow, and positioned at an angle. It appears that the access has been positioned in this spot to avoid using land outside of the applicant's control. The proposed access would also be located adjacent to the proposed retaining wall, and it unclear how far the proposed low level hedge/fence would extend to ensure that the applicant would not access the site over land outside of their control. Due to the narrow and angled access, and the location of the proposed retaining wall it is considered that the proposed access would be substandard in terms of visibility which would have an adverse impact upon pedestrian and highway safety.

The turning facilities for the proposed parking spaces would require several manoeuvres to utilise and as such, it is likely that occupiers may reverse out and the access is substandard in terms of visibility.

No information has been provided on the materials for the proposed driveway on the landscaping and car access plan and it may result in water flowing from the site across Dovehouse Close, which would be a hazard.

It is noted that these issues were raised as part of the previous reasons for refusal and the applicant's agent was asked to address these reasons during the determination of the current application. The agent did contend that they did not agree with the Highway Officer's assessment, but no clarification was given as to why and no further information was submitted in terms of plotted visibility splays, inclusion of a perpendicular access, or an amended layout that shows tandem spaces that may overcome the issues raised. Therefore, the proposed development would conflict with Policies EN1/2, EN7/5, H2/1, H2/2 and RT3/4 of the Bury Unitary Development Plan.

Parking

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

SPD11 states that the maximum parking standards for a 3 bed dwelling in a low access area is 3 spaces per unit.

The landscaping and car access plan shows parking for 2 cars , with 1 parking space in the car port.

The car port is shown as 2.4 metres wide on the proposed floor plans, and would be fully enclosed either side. It is therefore unclear how any future resident would be able to park in this space, and open the doors to exit the car. It is noted that standard car parking spaces are 2.4 metres wide but this allows for tandem car users to open doors that would encroach on the neighbouring space slightly to allow people to enter and exit cars.

The entrance to the car port is also 2 metres wide. Given that the average car in the UK is approximately 1.8 metres wide (without wing mirrors) it is also unclear how any future resident would enter and exit this proposed car port without damaging their vehicle. As such it is considered unlikely that this space would be used to park a car.

In addition, the SPD is clear that garages are not counted towards parking provision. Given that the car port is enclosed to all sides, apart from including a door it is essentially a garage.

The landscaping and car parking plan does indicate some tracking but this indicates that it would not be possible to enter and leave the site in a forward gear and provide the 2 spaces indicated. As such, the proposed development will be assessed on the provision of 1 off-road parking space.

The proposed development would therefore provide 1 space, which would require a number of manoeuvres to use. The width of the access road is quite narrow along the frontage to the proposed site and would only just be wide enough for vehicles to pass and re-pass. As such, there is no opportunity for on-street parking in the immediate vicinity. Therefore, the level of parking provision would be substandard and would lead to vehicles carrying out manoeuvres on the public highway to the detriment of highway safety. The proposed development would be in conflict with Policy HT2/4 of the Bury Unitary Development Plan and SPD11.

Structural stability

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 Borough Engineer has no objections, subject to the inclusion of a condition relating to detailed drawings and an Approval in Principle document. However, the scale and positioning as described above has not been thoroughly worked up to detail. Whilst there may well be a technical ability to provide a retaining wall, the details are pertinent.

There have been issues of land slippage in this area and thus this is a material consideration. Scale depending to retain the land may well impinge upon the site. As such this issue is not considered to be resolved.

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 any assets that may be located within the site.

Other Matters

In line with paragraph 38 of the NPPF the Local Planning Authority has sought to work proactively with the applicant. When the application was originally submitted the applicant's agent was contacted and informed that the new planning application did not address the previous reasons for refusal. A meeting was set up with the applicant and agent to discuss this to try to move forward.

The applicant and agent were informed that in relation to this site, they primarily needed to look at what structural intervention may be required and that any layouts and designs should not be finalised until it was understood what, if anything, can be accommodated on this site. This was also confirmed in writing a number of times via email. Extensions of time were agreed to allow the applicant to commission and submit the relevant structural surveys, and calculations and time was factored in for the LPA and consultees to review these.

Whilst amended plans were submitted following this body of work, the layout and design of the house had minimal changes and it appears that the proposed retaining structures have been retrofitted to the initial design rather than the structural work and calculations informing a design that reacts to the limitations of the site. The altered layouts did not address the previous reasons for refusal.

Response to representations

It is considered that the material planning considerations have been considered within the

main body of the report.