

**Ward:** Bury East - Moorside

Item 05

**Applicant:** Mr and Mrs Tierney

**Location:** 26 West Drive, Bury, BL9 5DN

**Proposal:** New dwelling in garden of existing house

**Application Ref:** 66226/Full

**Target Date:** 16/02/2021

**Recommendation:** Approve with Conditions

### **Description**

The application site consists of a semi-detached dwelling with a large garden to the front, side and rear. The existing dwelling is constructed from a dark brick and a red tile roof. The property has been extended to the side with a two storey flat roofed extension. There is parking for 3 cars on the drive, which is accessed from West Drive.

There are residential properties to all boundaries. The existing dwellings are in a variety of styles - bungalow, detached with dormers in the roof space and two storey dwellings with bay windows.

The proposed development involves the erection of a single dwelling in the side garden. The proposed dwelling would be two storeys in height and would be constructed from red brick, cedar lap composite cladding and a grey tile roof. Parking for 2 vehicles would be provided to the front of the proposed dwelling and would be accessed from West Drive. A driveway of 2 cars would be retained for use by the existing dwelling.

### **Relevant Planning History**

21979 - Residential development - 1 dwelling at land at 26 West Drive, Bury. Refused - 15 December 1988.

26335 - Residential development - 1 dwelling at land at 26 West Drive, Bury. Refused - 3 October 1991

Both applications were refused as the size of the site was inadequate to accommodate the scale of the proposed development and as such, would have an adverse impact upon residential amenity.

### **Publicity**

The neighbouring properties were notified by means of a letter on 4 January 2021.

A letter from James Daly MP has been received on behalf the occupiers of 51 West Drive, which has raised the following issues:

- I am objecting to the planning permission on the basis that the property is close to a blind bend on an extremely narrow road, that has no central lines as it is that narrow.
- The new dwelling is too big for the plot.
- The planning application proposes to put 2 parking spaces directly opposite my drive, No 51 and that of No 53. the new dwellings car parking would be approx 1m from the curve of the bend.
- This problem can be demonstrated at the other corner of west drive, No 27 & No 25, where my daughter lives. She is unable to park at the front of her house as No 20 West Drive, who have a drive do not use it and park in front of any house, thus causing danger to all vehicles and children on that corner.
- There are bollards erected on the corner of the proposed new dwelling, which is damaged by vehicles coming round the corner again demonstrating the danger.

- Planning application was rejected for a new dwelling twice before in 1988 and 1991 previously for this same reason, when there were fewer cars on the road.

8 letters have been received from the occupiers of 13, 27, 30, 45, 51, 53, 71 West Drive, which have raised the following issues:

- The driveway is too close to the corner of the road and will increase congestion. There is already a struggle with cars coming on and off their driveways. The opposite corner of West Drive is a daily struggle with cars parked everywhere on a narrow road, especially in winter months.
- If the new homeowners have more than 2 cars there will be more cars on a corner and more dangerous, especially as it will impede the view of people driving around the bend.
- The proposed development would make it difficult for the occupier Nos 26, 51 and 53 to reverse on and off the respective drives.
- Visibility for vehicles would be restricted on the blind corner and would be extremely dangerous on an already narrow road.
- The proposed house, on the north elevation, extends beyond the building line on West Drive, and would form an overly dominant and obtrusive feature, out of character with the surrounding area. The proposed house is also very close to No 26.
- Potential issues with road safety, especially the access to/from the driveway of the proposed house, as it is on a blind corner. There is a discrepancy on the drawings relative to the position of the driveway to the new house, as it is shown close to the blind corner, and not existing.
- Issues with additional visitors parking on West Drive - it is difficult for residents to drive in and out of their driveways when there are cars parked on what is already a narrow road.
- Applications for a house in the garden of 26 West Drive have been refused in the past, presumably for reasons of safety and access on a corner plot.
- Having lived in West Drive for almost 50 years- 36 of those at No 71 we were contacted in 1988 and 1991 regarding planning for a new building which got rejected on both occasions on presumably dangerous access.
- In those days there was far less traffic down West Drive than what there is today. These days people park on West Drive as they don't have enough room for their numerous vehicles and so when workmen or visitors are around the Drive can become quite congested for residents leaving or entering their driveways.
- There is only one space at the front of No. 26 and 2 new spaces, opposite No. 51/53, they will not be staggered as there is not enough room. Average length of car is 4.6m, this would mean you have 7 cars reversing out of their drives onto an area of 20m<sup>2</sup>.
- Road width does not give access to emergency services vehicle and jeopardise public safety for young children
- The proposed development would impact on the amount of light received by residents in their gardens, both adjacent and opposite the proposed dwelling.
- It will be very close to and seriously overlook the residents of next door (28 West Drive) and will surely be an invasion of their privacy.
- There is far too much building work going on in West Drive, particularly the conversion of bungalows to two storey dwellings.

The objectors have been notified of the planning control committee meeting.

### **Statutory/Non-Statutory Consultations**

**Traffic Section** - No objections, subject to the inclusion of conditions relating to a construction traffic management plan, access and driveway arrangements and visibility splays.

**Drainage Section** - No response.

**The Coal Authority** - No objections, subject to the inclusion of conditions relating to coal mining.

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

**Waste Management** - No response.

**Pre-start Conditions** - Awaiting confirmation the agent agrees to the pre-commencement conditions.

### **Unitary Development Plan and Policies**

H1/2	Further Housing Development
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
EN1/2	Townscape and Built Design
EN1/3	Landscaping Provision
EN6	Conservation of the Natural Environment
EN6/3	Features of Ecological Value
EN7	Pollution Control
EN7/2	Noise Pollution
EN7/5	Waste Water Management
EN8/2	Woodland and Tree Planting
HT2/4	Car Parking and New Development
SPD6	Supplementary Planning Document 6: Alterations & Extensions
SPD11	Parking Standards in Bury
NPPF	National Planning Policy Framework

### **Issues and Analysis**

The following report includes analysis of the merits of the application against the relevant policies of both the National Planning Policy Framework (NPPF) 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.

**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. 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.

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 the east, west and south. 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** - The proposed dwelling would be 2 storeys in height and would be located next to the existing pair of semi-detached dwellings. The eaves of the proposed dwelling would match that of the adjacent house and as such, the height and scale of the proposed dwelling would maintain the rhythm and symmetry of the streetscene.

The proposed dwelling would be constructed from brick, cedar lap composite cladding and grey concrete roof tiles. The use of recessed areas on the front, the dormer style detail and the use of the materials would add visual interest. There are a variety of materials in the locality comprising brown brick, red brick, render and painted blockwork and as such, it is considered that the proposed materials would be acceptable and characteristic of the surrounding area. The footprint of the proposed dwelling would be an L shape ensuring that the proposed dwelling would be set back from the pavement and would respect the corner plot. As such, it would not be dominant and overbearing to the street scene.

Therefore, the scale and design of the proposed dwellings would be appropriate within the context of the area and would comply with UDP Policies H2/1 - The Form of New Residential Development and EN1/2 - Townscape and Built Design.

**Impact upon surrounding area** - The level of private amenity space for the proposed dwelling and the existing dwelling would be acceptable and there would be space within the rear gardens for bin storage. The existing fence and planting would be retained along the eastern boundary and a 1.8 metre high close boarded fence would be erected along the southern boundary. The vegetation on the front would be cut back to improve the visibility and 13.7 metres of vegetation and planting would be retained on the northern boundary. The proposed boundary treatments would match those in the locality and would be acceptable. Therefore, the proposed development would not be a prominent feature in the street scene and would be in accordance with Policies H2/1, H2/2 and EN1/2 of the Bury Unitary Development Plan.

**Impact upon residential amenity** - SPD6 provides guidance on aspect standards between residential properties and would be relevant in this case.

There would be 13 metres between the rear elevation of the proposed dwelling and the side elevation of No. 28 West Drive and there would be 21.6 metres between the front elevation of the proposed dwelling and No. 51 West Drive.

There would be 22 metres between the blank gable of the proposed development and the gable elevation of No. 69 The Drive. All of these distances would be in excess of the aspect standard.

There are two windows at first floor in the gable elevation of No. 26 West Drive. These are secondary windows to the rooms and the agent has confirmed that these would be obscure glazes. As such, the proposed development would not have an adverse impact upon the amenity of the occupiers of this dwelling.

Therefore, the proposed development would not have an adverse impact upon the amenity of the neighbouring properties.

**Trees** - There are 4 trees and shrubs on the northern boundary of the site. Two of the trees are a leylandii and an old Christmas tree and the other two trees are silver birch trees. It

proposed to remove all four trees as part of the proposed development. The removal of the silver birch and christmas trees are required to achieve the visibility splay. The leylandii tree is not native and as such, there would be no objections to its removal. The applicant has confirmed they would replant 4 trees in the rear garden and as such, it is considered that the proposed development would not detract from the character of the area. Therefore, the proposed development would be in accordance with Policies EN1/2, EN1/3 and EN8/2 of the Bury Unitary Development Plan.

**Highways issues** - The proposed development would be accessed from West Drive and would involve the creation of a new drive for the proposed dwelling. The proposed site plan shows that the required visibility splay can be accommodated but involves the removal of some vegetation on the corner of the garden. There is a almost 90 degree bend in West Drive just before the proposed driveway, which would slow cars down in an area where the limit is 20 mph.

The Traffic Section has no objections, subject to the inclusion of conditions relating to a construction traffic management plan, access and driveway arrangements and visibility splays.

Therefore, the proposed development would not be detrimental to highway safety and would be in accordance with Policies H2/1, H2/2 and EN1/2 of the Bury Unitary Development Plan.

**Parking** - SPD11 states that the maximum parking standards for 3 bedroom dwelling is 2 spaces per unit and 3 spaces per 4 bedroom dwelling.

The proposed development would be able to accommodate 2 spaces for the proposed dwelling and 2 spaces and a garage for the existing dwelling. As such, the proposed development would comply with the maximum parking standards and would be in accordance with Policy HT2/4 of the Bury Unitary Development Plan and SPD11.

### **Response to objectors**

- The issue relating to the location of the driveway and highway safety have been addressed in the report above.
- Whilst the road measures 4.75 metres in width, the pavements measure 3 metres. As such, there would be 7.75 metres for vehicles to manoeuvre on and off driveways, which would be in excess of the 6 metres required.
- The proposed dwelling would maintain the building line with No. 26 and would encroach by 1 metre beyond the building line with Nos 289 and 30 West Drive. As such, the proposed development would not be a prominent feature in the streetscene.
- The two previous applications for a dwelling were refused in 1988 and 1991 as the size of the site was inadequate to accommodate the proposed development and as such, would have an adverse impact upon residential amenity. The dwelling was not refused for access or highway safety issues.
- The proposed development would comply with the aspect standards and as such, there proposed development would not have a significant adverse impact upon residential amenity in terms of light or privacy.

### **Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015**

The Local Planning Authority worked positively and proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

**Recommendation:** Approve with Conditions

**Conditions/ Reasons**

1. The development must be begun not later than three years beginning with the date of this permission.  
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to drawings numbered 1503.PL01, 1503.PL02, 1503.PL03A, 1503.PL03 C, 1503.PL04, 1503.PL05, 1503.PL06 and the development shall not be carried out except in accordance with the drawings hereby approved.  
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to the policies of the Bury Unitary Development Plan listed.
3. Details/Samples of the (materials/bricks) to be used in the external elevations, together with details of their manufacturer, type/colour and size, shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced. Only the approved materials/bricks shall be used for the construction of the development.  
Reason. No material samples have been submitted and are required in the interests of visual amenity and to ensure a satisfactory development pursuant to UDP Policy EN1/1 Visual Amenity.
4. No development shall commence unless and until:-
  - A contaminated land Preliminary Risk Assessment report to assess the actual/potential contamination and/or ground gas/landfill gas risks at the site shall be submitted to, and approved in writing by, the Local Planning Authority;
  - Where actual/potential contamination and/or ground gas/landfill gas risks have been identified, detailed site investigation and suitable risk assessment shall be submitted to, and approved in writing by the Local Planning Authority;
  - Where remediation/protection measures is/are required, a detailed Remediation Strategy shall be submitted to, and approved in writing by, the Local Planning Authority.Reason. The scheme does not provide full details of the actual contamination and subsequent remediation, which is required to secure the satisfactory development of the site in terms of human health, controlled waters, ground gas and the wider environment and pursuant to National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.
5. Following the provisions of Condition 4 of this planning permission, where remediation is required, the approved Remediation Strategy must be carried out to the satisfaction of the Local Planning Authority within agreed timescales; and A Site Verification Report detailing the actions taken and conclusions at each stage of the remediation works, including substantiating evidence, shall be submitted to and approved in writing by the Local Planning Authority prior to the development being brought into use.  
Reason. To secure the satisfactory development of the site in terms of human health, controlled waters and the wider environment and pursuant to National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.
5. No development shall commence until;
  - A scheme of intrusive site investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, and;
  - Any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

- The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

Reason. The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 178 and 179 of the National Planning Policy Framework.

6. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason. The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 178 and 179 of the National Planning Policy Framework.

7. No development shall commence unless and until surface water drainage proposals have been submitted to and approved in writing by the Local Planning Authority. The scheme should be in accordance with the submitted Surface Water Sustainable Drainage Assessment and must be based on the hierarchy of drainage options in the National Planning Practice Guidance and be designed in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015). This must include assessment of potential SuDS options for surface water drainage with appropriate calculations and test results to support the chosen solution. Details of proposed maintenance arrangements should also be provided. The approved scheme only shall be implemented prior to first occupation and thereafter maintained.

Reason. The current application contains insufficient information regarding the proposed drainage scheme to fully assess the impact. To promote sustainable development and reduce flood risk pursuant to Unitary Development Plan Policies EN5/1 - New Development and Flood Risk, EN7/3 - Water Pollution and EN7/5 - Waste Water Management and chapter 14 - Meeting the challenge of climate change, flooding and coastal change of the NPPF.

8. A landscaping scheme shall be submitted to, and approved by the Local Planning Authority prior to the commencement of the development. The contents of the plan should include native tree and shrub planting and the provision of bat bricks/tubes within the new development and bat and bird boxes. The approved scheme shall thereafter be implemented not later than 12 months from the date the building(s) is first occupied or within the first available tree planting season,; and any trees or shrubs removed, dying or becoming severely damaged or becoming severely diseased within five years of planting shall be replaced by trees or shrubs of a similar size or species to those originally required to be planted.

Reason. To secure the satisfactory development of the site and in the interests of visual amenity pursuant to Policies H2/2 - The Layout of New Residential Development, EN1/2 - Townscape and Built Design and EN8/2 - Woodland and Tree Planting of the Bury Unitary Development Plan and chapter 15 - Conserving and enhancing the natural environment of the NPPF.

9. No development shall commence unless and until a 'Construction Traffic

Management Plan' (CTMP), has been submitted to and approved by the Local Planning Authority and shall confirm/provide the following:

- Photographic dilapidation survey of the footways and carriageways abutting the site access in the event that subsequent remedial works are required following construction of the development and as a result of any statutory undertakers connections to the new dwelling;
- Proposed site hoardings (if proposed) clear of the visibility splays indicated on approved site plan reference 1503.PL03 Revision C;
- Hours of operation, confirmation of delivery & construction vehicle sizes that can be accommodated on the residential estate roads and number of vehicle movements;
- Parking on site of operatives' vehicles together with storage on site of construction materials, including any requisite phasing of the development to accommodate this;
- Measures to ensure that all mud and other loose materials are not spread onto the adjacent adopted highways as a result of the groundworks operations or carried on the wheels and chassis of any vehicles leaving the site and measures to minimise dust nuisance caused by the operations.

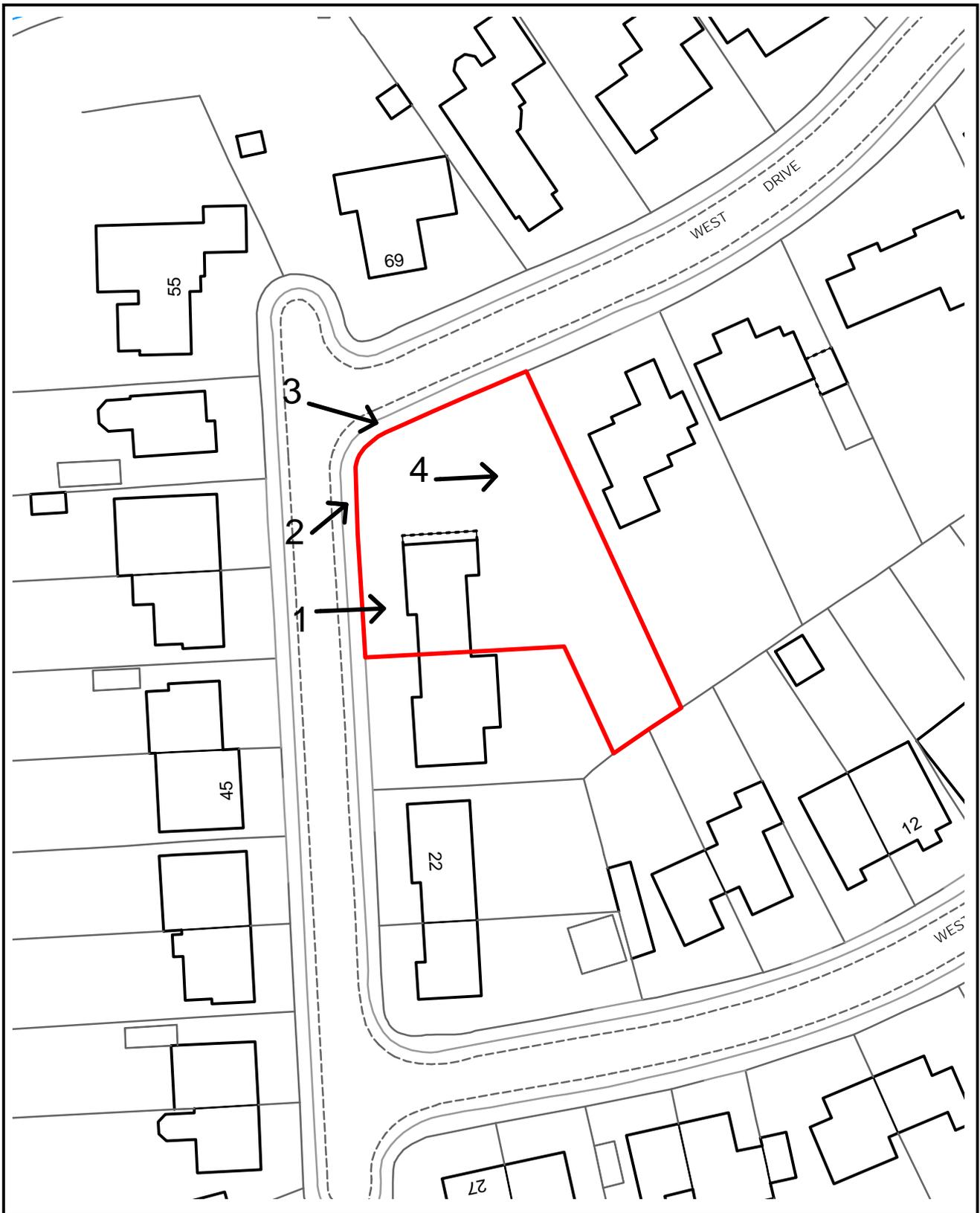
The approved plan shall be adhered to throughout the demolition/construction period and the measures shall be retained and facilities used for the intended purpose for the duration of the demolition and construction periods. The areas identified shall not be used for any other purposes other than the turning/parking of vehicles and storage of demolition/construction materials.

Reason. Information not submitted at application stage. To mitigate the impact of the construction traffic generated by the proposed development on the adjacent residential streets, and ensure adequate off street car parking provision and materials storage arrangements for the duration of the construction period and that the adopted highways are kept free of deposited material from the ground works operations, in the interests of highway safety pursuant to Bury Unitary Development Plan Policies EN1/2 - Townscape and Built Design and HT6/2 - Pedestrian/Vehicular Conflict.

10. The access and driveway arrangements indicated on approved plan reference 1503.PL03 Revision C, incorporating the provision of new footway/verge crossing, removal of the highway tree stump and any ground works required to reinstate the footway to its former condition as a result of the works at the interface with the adopted highway, demarcation of the limits of the adopted highway as a result of the creation of the access and provision of a 5.5m minimum length hardstanding in a porous/permeable material and/or measures to prevent the discharge of surface water onto the adopted highway, shall be implemented prior to the dwelling hereby approved being occupied.  
Reason. To ensure adequate off street car parking provision in the interests of road safety pursuant to Policy HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan.
11. The visibility splays indicated on approved plan reference 1503.PL03 Revision C shall be implemented before the new driveway is brought into use/dwelling is first occupied and subsequently maintained free of obstruction above the height of 0.6m.  
Reason. To ensure the intervisibility of the users of the site and the adjacent highways in the interests of road safety pursuant to the following Policies of the Bury Unitary Development Plan:  
Policy EN1/2 - Townscape and Built Design  
Policy H2/1 - The Form of New Residential Development  
Policy H2/2 - The Layout of New Residential Development

For further information on the application please contact **Helen Leach** on **0161 253 5322**

# Viewpoints



## PLANNING APPLICATION LOCATION PLAN

APP. NO 66226

ADDRESS: 26 West Drive  
Bury

Planning, Environmental and Regulatory Services

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**Bury**  
COUNCIL

66226

Photo 1



Photo 2



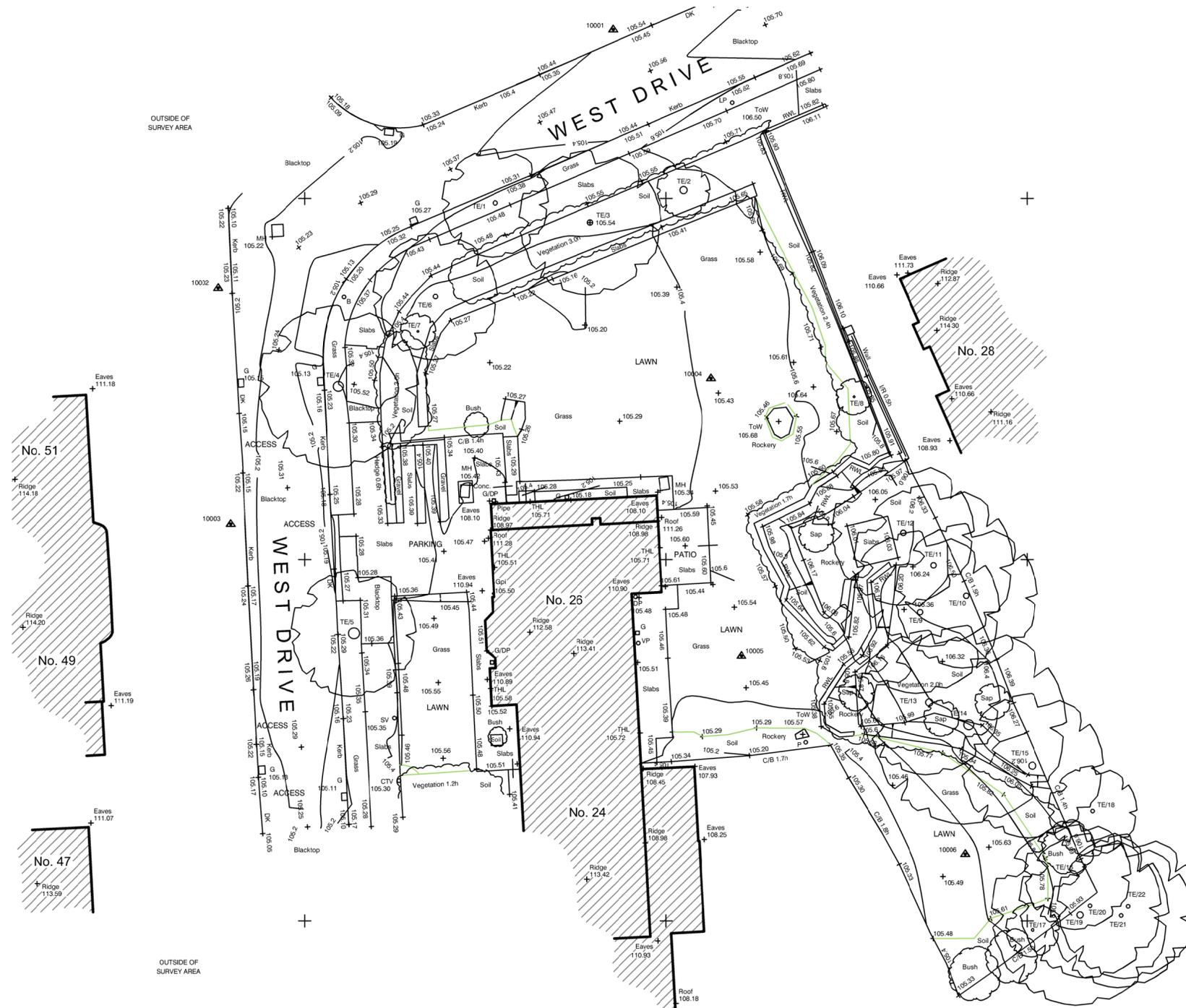
Photo 3



Photo 4







HIGH PEAK ARCHITECTS LTD

2nd Floor, Wharf House, Wharf Road, Whaley Bridge, High Peak, Derbys SK23 7AD  
 Tel: 01663 719717 Website: highpeakarch.com Email: hpa@highpeakarch.com

New Dwelling  
 West Drive, Bury

Existing Site Layout

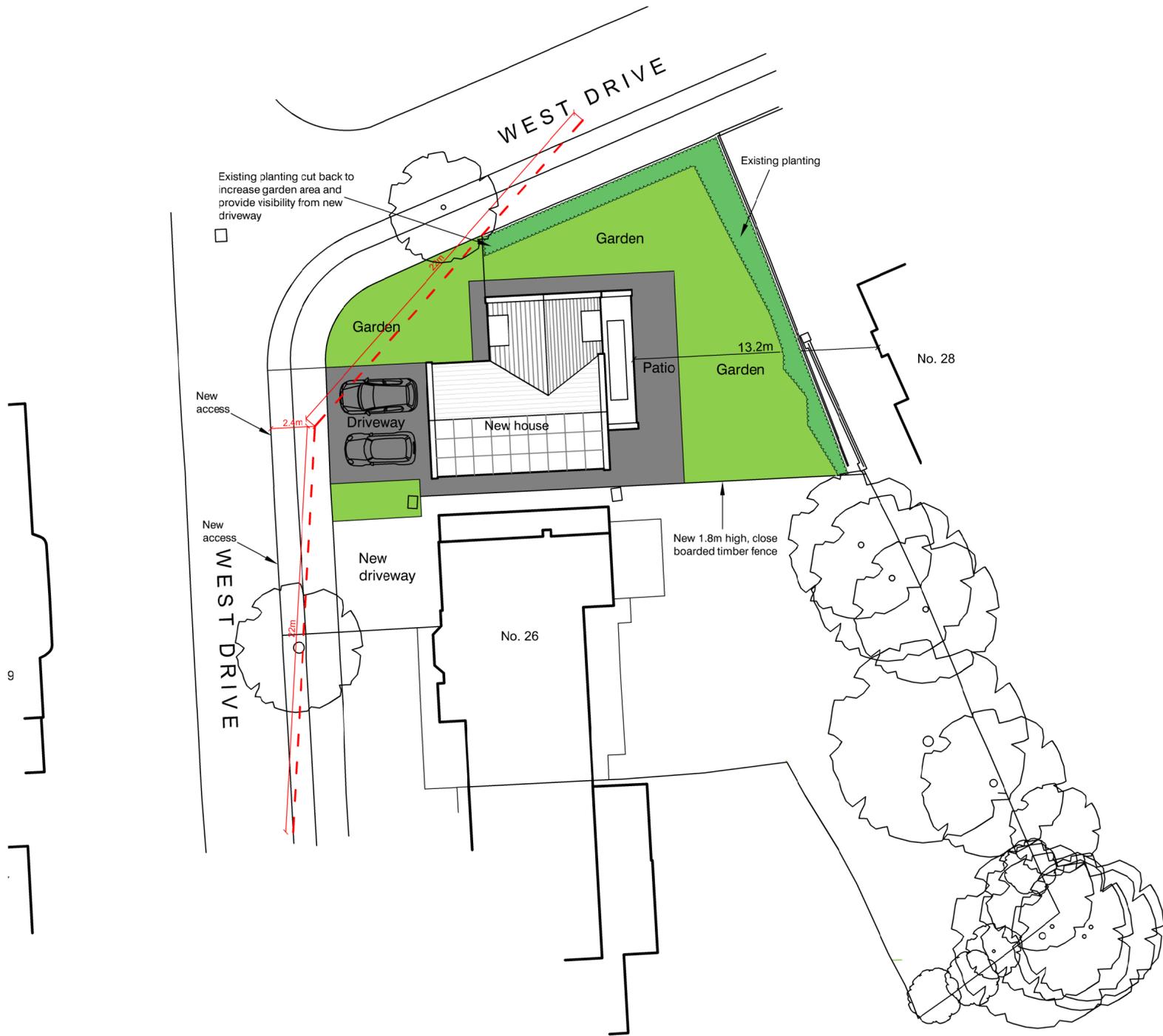
1503.PL02

Scale: 1:200 @ A2

Date: February 2020

DO NOT SCALE OFF THIS DRAWING

Rev:



Revision A 27.01.2021 Visibility splays added.



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New Dwelling  
 West Drive, Bury

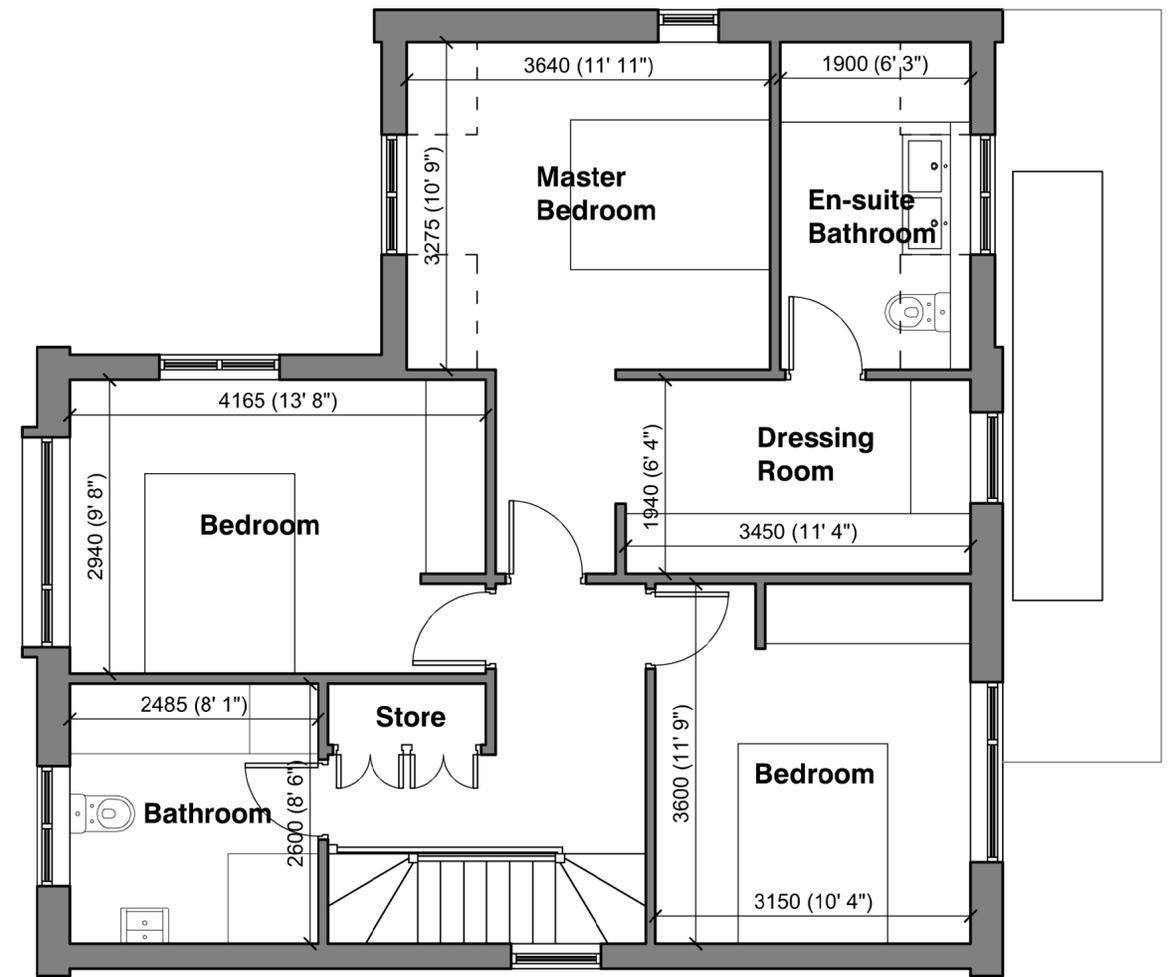
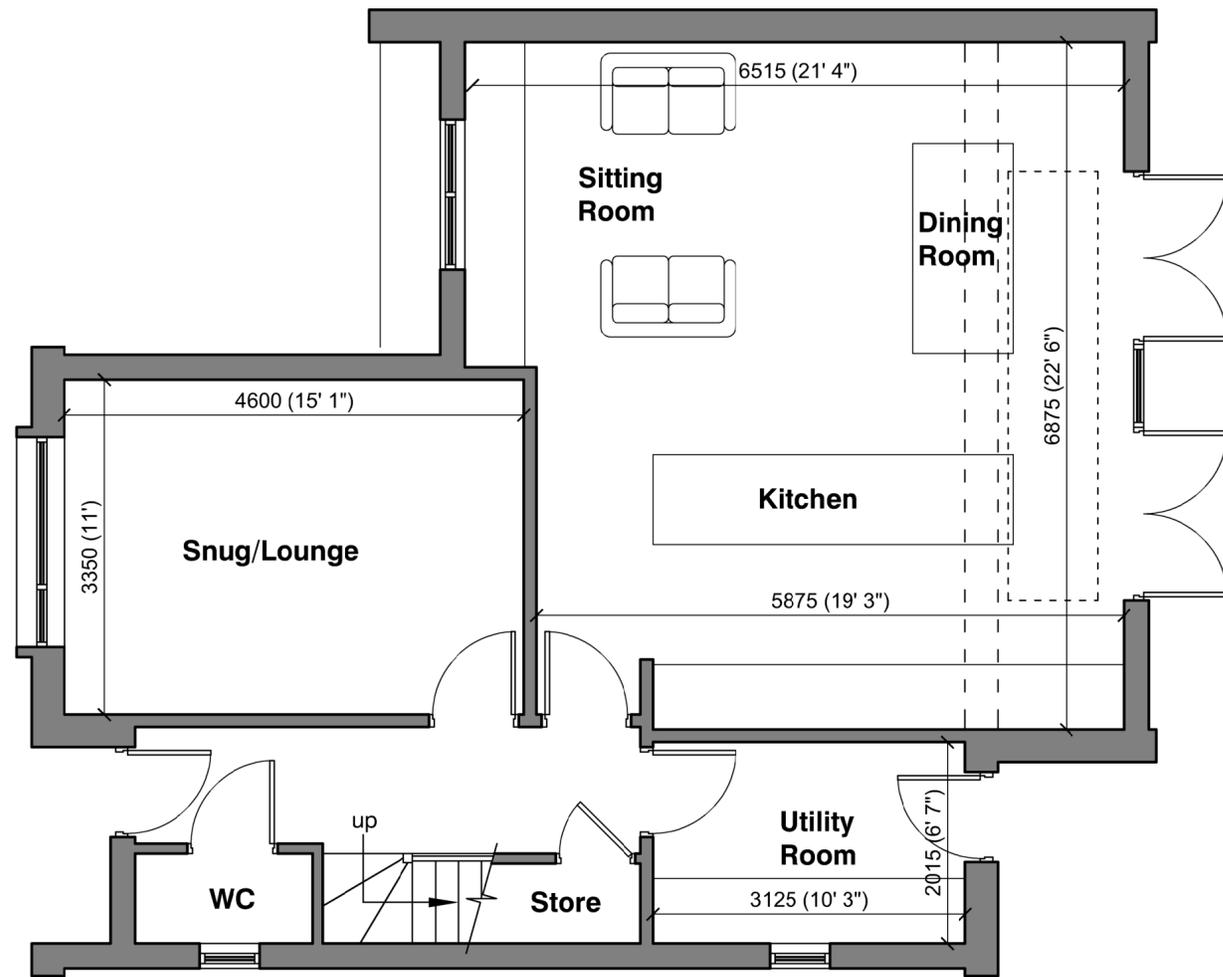
Proposed Site Layout  
 1503.PL03A

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Date: February 2020

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Rev: A



Revision A Projecting window surround added to front elevation.



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New Dwelling  
West Drive, Bury

Proposed Plans  
1503.PL04A

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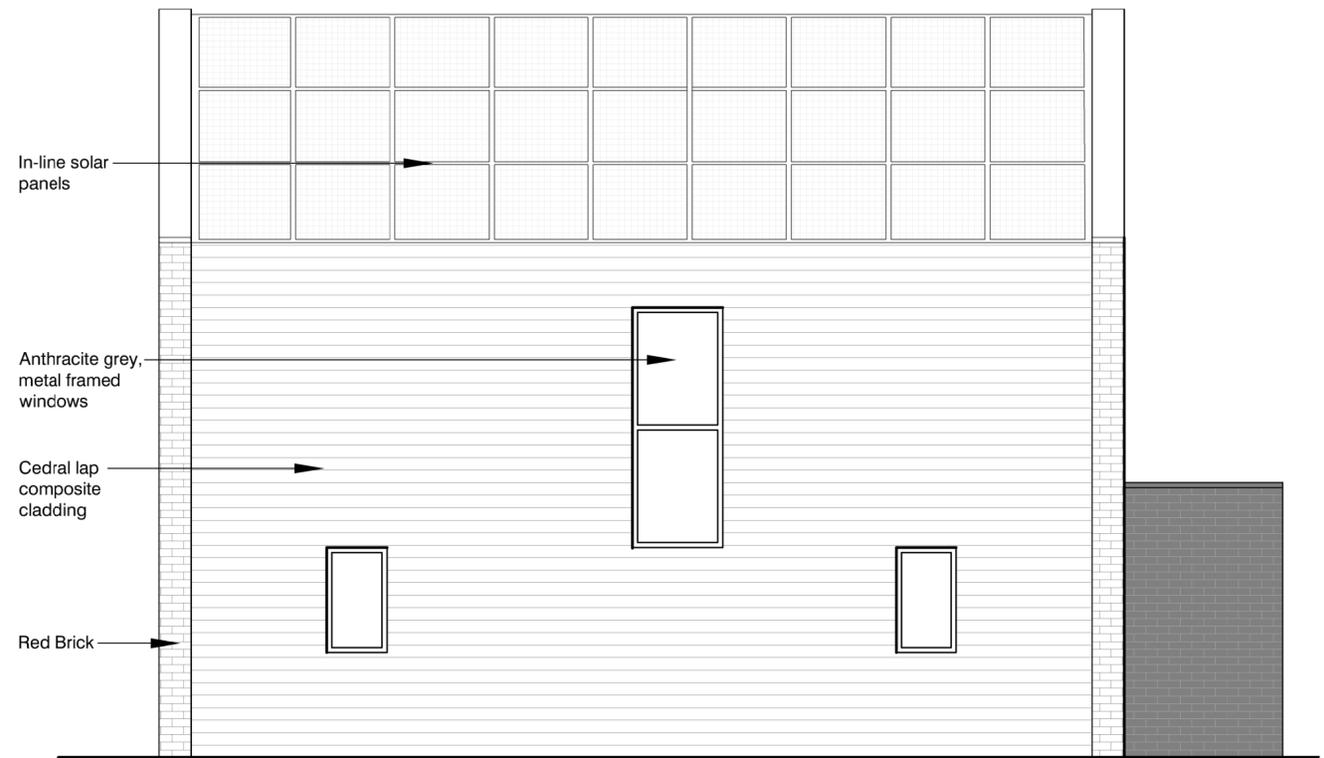
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Rev: A



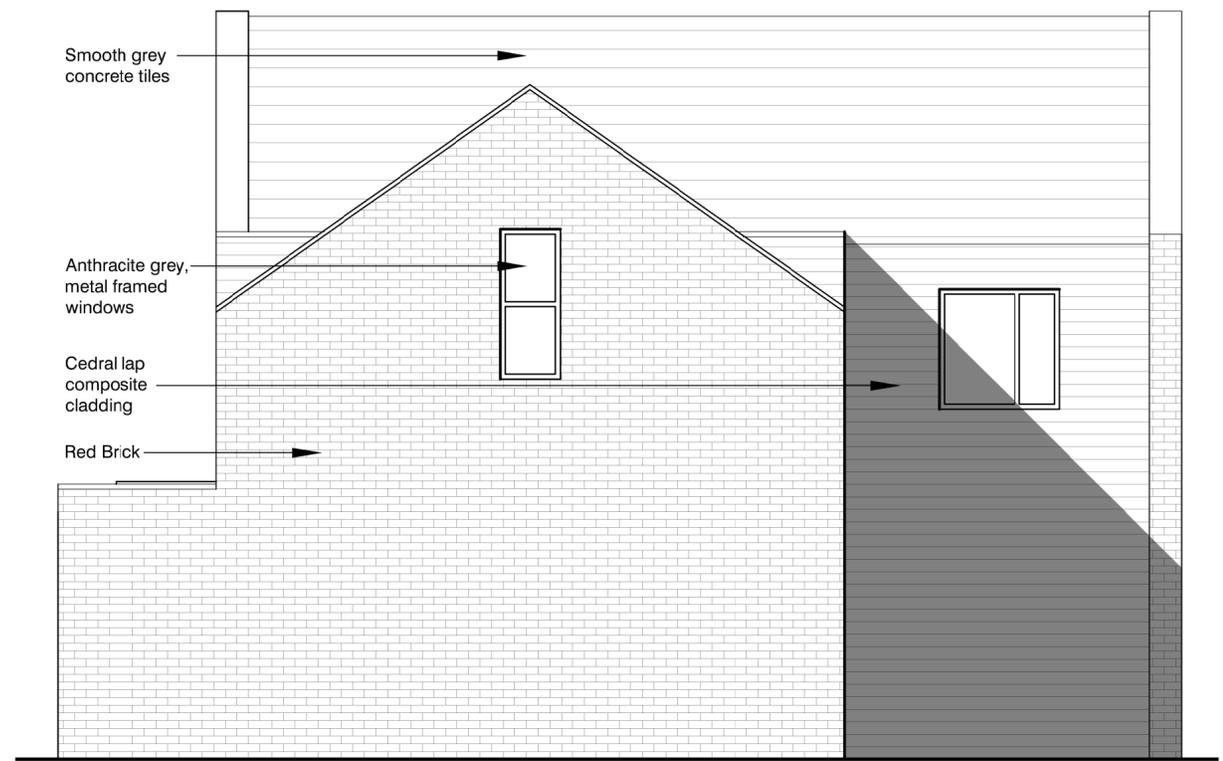
West (Front) Elevation



South (Side) Elevation



East (Rear) Elevation



North (Side) Elevation

Revision A Eaves height increased by 300mm and projecting window surround added to front elevation.



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New Dwelling  
West Drive, Bury

Proposed Elevations

1503.PL05A

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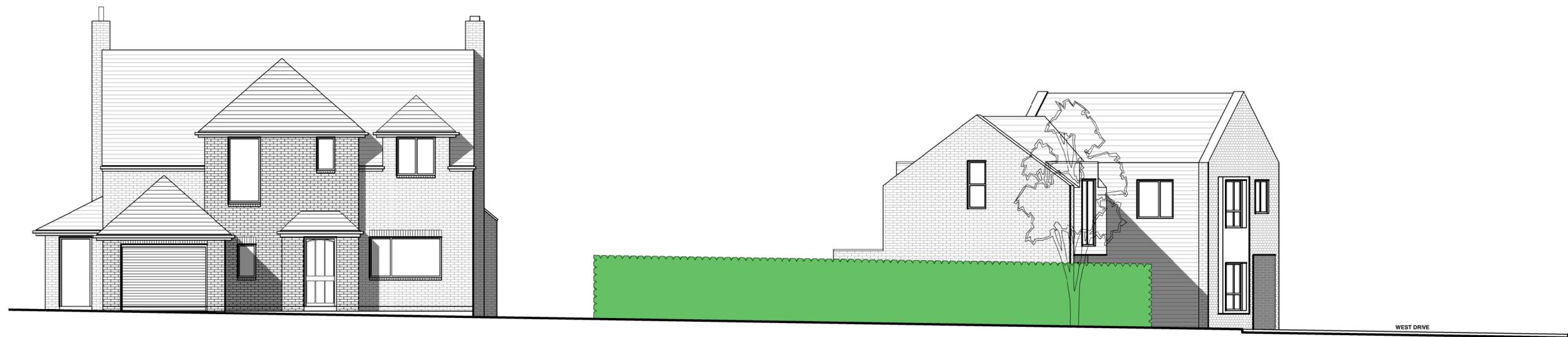
Date: January 2020

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Rev: A



West Street Elevation



North Street Elevation

Revision A 12.03.2021 Eaves height lifted by 300mm and projecting window surround added to front elevation



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New Dwelling  
West Drive, Bury

**Proposed Street Elevations**

1503.PL06A

Scale: 1:100 @ A2

Date: November 2020

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Rev: A