Ward: Bury East - Redvales

Applicant: SAC Property Developments Ltd

Location: Land adjacent to 23 Meadway, Bury, BL9 9TY

Proposal: Erection of 2 no. detached dwellings.

Application Ref: 68709/Full

Target Date: 29/06/2023

Recommendation: Approve with Conditions

Description

The application site relates to an open piece of grassed land which is situated within a cul de sac of a residential development comprising 5 detached properties. A strip of land running along the eastern part of the site is identified as being located in the River Valley (UDP Policy OL5/2), Wildlife Corridor (UDP Policy EN6/4) and Protected Recreation under UDP Policy RT1/1.

Beyond the eastern boundary of the site is the Roch Valley Greenway and the River Roch which is also designated as OL5/2, EN6/4 and RT1/1 land. To the south and west the site is partly bounded by trees and hedging. To the north is a detached garage and the driveway to No 23 Meadway, with the other houses on the cul de sac located to the west of the application site in a horseshoe formation. The cul de sac comprises large detached properties with open frontages and gardens and is accessed via an unadopted single lane which leads off the main part of Meadway.

There is a public sewer which runs through the site from north to south.

Outline planning consent (ref 61369) was granted in 2017 for a residential development for 2 no. detached dwellings and included the means of access to the site. A subsequent reserved matters application (ref 65469) was granted for the details comprising layout, scale, appearance and landscaping in 2020.

This application seeks a full planning consent for a residential development for 2 no.x 5 bed residential dwellings.

The proposed dwellings would be set back from the cul de sac and located towards the rear of the plot of land. There would be driveway parking for 3 cars and gardens to the front of each dwelling. A 1.1m high fence and hedge planting would be located at the side of each dwelling behind which would be the amenity space to the side and rear of the properties.

The proposed dwellings would be 2 storey in height, with accommodation comprising living areas at the ground floor, 3 bedrooms at first floor and a further 2 bedrooms in the roof space.

The dwellings would be constructed of red brick with red roof tiles and the elevations and fenestration patterns would be relatively modest with symmetrically aligned windows and front piked detailing.

It is proposed to provide a passing place for 2 cars within the southern boundary of the site behind which 3 new native trees would be planted.

For the purposes of referencing in the report, the dwelling set to the north of the site will be referred to as plot 1 with plot 2 proposed in the southern area of the site.

Relevant Planning History

01872/E - Pre-application enquiry for proposed no. 2 detached houses & no.2 detached double garages - Enquiry completed 18/08/2016

61369 - Outline application for 2 no. detached dwellings with detached double garages with details of access. - Approve with Conditions 24/05/2017

65469 - Reserved matters for layout, scale, appearance and landscaping approval following grant of Outline approval ref. 61369 for 2 no. detached dwellings - Approve with Conditions 29/07/2020

Publicity

Letters sent to 18 properties on 9/5/23.

8 objections received with the following issues raised:

Land ownership -

• The applicant does not own all the land within the site area and the site plan includes the private road and parts of the cul de sac which are in the ownership of the existing residents and therefore should be amended

Scale and appearance

- The properties proposed to be built appear to be significantly higher (3 storeys) than the neighbouring properties and have rooms in the roof space.
- Concerned about the impact that the proposed buildings will have on density and visual appearance of the cul de sac as a whole. The size of the proposed properties will in our opinion significantly impact and diminish the appearance of the surrounding area.
- Given the proposed scale and position of the properties they will also have a detrimental effect on the outlook from the neighbouring properties.
- Impact on privacy and overlooking to neighbours
- The proposed finishing materials and the fabric of the properties is not in keeping with the neighbouring properties
- The existing properties were built and positioned staggered in a way as to not overlook one another.
- There has been overwhelming support not to build on the land over the years.

Highway issues

- The proposed positioning of the driveway for one of the properties (the most southerly of the two properties) will reduce the visibility for the vehicles driving along the access way to the neighbouring properties. Restrictive Covenants in the deeds states that the road has to be free for right of way at all times and no vehicles to be parked on the road. Emergency vehicles need to be able to access each property
- There is further concern regarding the increased traffic that will arise. which we calculate will be at least 40% and potentially greater.
- There are clear Health & Safety and environmental implications from the significantly increased traffic.
- The existing properties were built with driveways to accommodate parking for up to 5 vehicles, so the adopted road is kept clear for access to neighbouring driveways.
- Vehicles entering these proposed driveways will have to encroach onto the drive of No 21 Meadway in order to access their drives.
- Building vans and materials which would be going up and down Meadway are dangerous, especially when there is a footpath and walking area to cross just before the proposed building site where young children cross and walk to the playground at Goshen and come to see the wildlife at the lake on Meadway
- There are already many cars that come down the narrow slope in front of our houses (usually at speed). View is restricted by the trees/hedging leading up to those houses which is a hazard. We have congestion on Meadway with the number of vehicles parked on the road.
- There is no pavement. Needs of children should be taken into account with safe pedestrian access.
- There is no room for manoeuvring, turning or passing. This will cause so much

congestion.

- Access issues for emergency vehicles and length of the cul de sac;
- Originally only 5 houses were permitted. What has changed?

Landscaping

- The proposed development application has made no reference to the existing trees and lamp posts. On previous applications it was suggested that any trees removed had to be replaced to protect the wildlife.
- Removing these trees and hedges are going against section 174 of the NPPF 2021 as these are used by the wildlife for nesting and contribute and enhance the natural and local environment. Removing these will downgrade the look of the development.
- There is Himalayan balsam present on land immediately adjacent to the site. Eradication, control and an ongoing management plan should be implemented to stop the spread of these invasive species.

Other matters

- Covenant There are restrictive covenants. All neighbouring properties must be kept with a full open plan to the front of the properties. As per the title deeds all neighbouring properties must be kept with a full open plan to the front of the properties. No fences, hedges, railings gates or walls to be erected in front of the front face brick to the road. any hedges and fences should be removed from the application. On the submitted plans there is a hedge and fence separating the 2 properties. Therefore, we request this to be removed.
- Flooding The proposed development sits on part of a flood plain of the River Roch. Part of the National Planning Policy Framework stated that authorities should seek to adopt proactive strategies to mitigate and adapt to climate change, taking into account flood risks
- Proximity to sewer pipe The neighbouring properties all required piling to a depth up to 8 metres given they are built on a flood plain. Given the scale of the properties there may need to be an increased number of piles or to a greater depth. Given the proposed proximity to the existing sewer we believe that there is an increased risk of damage (via vibration) to the existing utilities. The sewer operated by United Utilities is constructed of brick and there would be a need of a minimum of 5 m either side from the centre of the sewer to be kept free from heavy machinery and any outside building.
- Coal The findings from the coal authority has been identified from SACS own coal mining risk assessment, which could propose a health risk according to the coal authority response
- Planning was granted for the 5 dwellings so long as the development was drained on a separate system due to drainage system. A planning application for 6 bungalows was refused in 1982. Nothing underground has changed in the last 31 years and therefore further houses should not be allowed to be built on the proposed location due to the underground sewage system.
- Construction Object to the use of the pavement and road in front of No 9 Meadway for parking/storage in relation to the CTMP.
- We don't want more houses up there.
- Why was outline planning earlier granted with so many reserved matters and constraints attached to it

Since the application was submitted, the application has been revised to include changes to the height, design and appearance of the dwellings, site layout (including provision of passing place, parking arrangements and landscaping) and the construction traffic management plan.

Objectors and those residing on the cul de sac were re-notified of the changes by letter on 18/8/23.

Further objections received as follows:

Scale and appearance

- Contravenes policy H2/1 The existing houses have large front and rear gardens and are well spaced and staggered to ensure privacy. The proposed buildings are at odds with the scale and visual appearance of the cul-de-sac as a whole, having little or no rear gardens, garden areas at the side and relatively small driveways (insufficient garden or amenity land.)
- As per the title deeds of the current properties, there are restrictive covenants. All neighbouring properties must be kept with full open plan to the front of properties which means no fences, hedges, walls etc to be built beyond the front face bricks to the road. There are hedges and fences which do not adhere to these covenants in the planning application.
- The proposed buildings are 3 storey, a previous application (65469) to include a 3rd storey was rejected, setting a precedence for the cul-de sac. The height of the buildings further impinge on the loss of view experienced by all 5 houses and have significant impact for the privacy of residents of number 21, as the proposed properties are directly facing their property.
- Despite the changes in building materials in the revised plans, the overall appearance of the houses do not reflect the appearance of the existing 5 properties. While all 5 have been further developed since the original build, they still share significant characteristics, none of which are reflected in the proposed buildings. The secluded nature of the cul-de-sac means any development which does not reflect the appearance of the original development is in conflict with the surrounding area.

Highways/Access

- The entrance to the cul-de-sac is significantly narrower than the recommended 5.5m. This, along with a slope and bend, creates a 'blind spot' meaning vehicles have to reverse back up or down onto Meadway where Roch Valley cycle path joins the road. PPG13 Transport Objectives 5 & 7 and Unitary Development Plan HT6/2 relate to cyclists and pedestrian safety, additional housing and associated increase in vehicles accessing the development opposes these objectives as uses of the cycle path and visitors are at increased risk.
- The inclusion of a 'passing place' does not address the above concerns as it is situated beyond the 'blind spot' therefore being ineffective in ensuring the objectives are met.
- There are already too many cars that fly out of the narrow access road and use it as a launch pad to come out onto Meadway proper. There have been a number of near misses already. There are at least 2/3 cars for the existing 5 properties and the traffic is up and down all day. To add at least another 4 cars will make it worse. Noise, environmental, emissions - all these factors will affect us nearest to this end of Meadway
- There are no footpaths on the cul-di-sac or space for 'off road' parking which means vehicles have to be parked on driveways. The plans indicate parking spaces for 3 vehicles for each house, however, they are directly facing the driveway of number 21. The proposed plans are drawn incorrectly, they show the road to be wider than it actually is, there is not an indent between the garden and driveway, the drive goes straight across (as shown in the photograph.) The narrow width of the road (approximately 3m) and the proximity of the driveways from the proposed houses and the driveways of 21 and 23 Meadway would make manoeuvrability of vehicles extremely impractical and potentially dangerous, exacerbated by the hedges between both properties too.

Capacity of Physical Infrastructure and Potential Environmental Risks

- The main sewer which runs through the centre of the proposed development is constructed of brick and requires at least a 5m easement (confirmed by United Utilities and the builder of the original development). The site is a floodplain requiring foundations to have 8m pilling raising potential concerns for maintaining the integrity of the sewer. The houses on the plans do not have a 5m easement from the centre of the sewer line.
- There are also concerns about the potential for increasing a flood risk by overdeveloping a floodplain.
- We note the recommendation from the EH with regards to potential land contamination.

Construction Traffic Management Plan

• The revised plan is not accurate, it has outdated site plans. There are concerns around the feasibility of elements of the plan, particularly the movement of vehicles on the site. An example would be using 'Gate A' as a point for excavating materials from the site and the delivery and storage of materials for the build. Due to the narrow road and the fact that the point directly faces a line of mature trees, it would be virtually impossible for a small car to negotiate this manoeuvre, let alone large vehicles, lorries, diggers etc. This point is also at the 'blind spot' referred to previously.

<u>Other</u>

We also have bats that come into our garden every evening from that direction. Has a
bat survey been done to establish where they are roosting. Also has an assessment of
great crested newts been carried out given the environment of pond/water in the
immediate vicinity.

Those who have made representations have been informed of the Planning Control Committee meeting.

Statutory/Non-Statutory Consultations

Traffic Section - No objection subject to conditions.
Borough Engineer - Drainage Section - No response received.
Environmental Health Contaminated Land - No objection subject to conditions.
Waste Management - No response received.
Environment Agency - Direct the LPA to the EA's standing advice.
United Utilities (Water and Waste) - No objection subject to a condition for implementation of the submitted drainage strategy.
The Coal Authority - No objection subject to conditions.
Greater Manchester Ecology Unit - No objection subject to conditions and informatives.
Public Rights of Way Officer - No issues

Pre-start Conditions - Applicant/Agent has agreed with pre-start conditions.

Unitary Development Plan and Policies

- NPPF National Planning Policy Framework
- H1/2 Further Housing Development
- H2/1 The Form of New Residential Development
- H2/2 The Layout of New Residential Development
- H2/6 Garden and Backland Development
- EN1/2 Townscape and Built Design
- EN6/4 Wildlife Links and Corridors
- EN5/1 New Development and Flood Risk
- OL5/2 Development in River Valleys
- HT2/4 Car Parking and New Development
- HT6/2 Pedestrian/Vehicular Conflict
- RT1/1 Protection of Recreation Provision in the Urban Area
- SPD11 Parking Standards in Bury
- SPD6 Supplementary Planning Document 6: Alterations & Extensions

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.

Housing Policy Principle - 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 dwelling, paragraph 11d) of the National Planning Policy Framework states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, planning permission should be granted unless:

i. The application of policies in the Framework that protect areas, or assets of particular importance, provides a clear reason for refusing the development proposed; or ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework, taken as a whole.

Therefore, in this case the 'titled 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 within an urban location and is adequately served by existing infrastructure. It would be located within an established residential development and would not conflict with the local environment in terms of the character and surrounding land uses. As such, the principle is in general accordance with national planning policy and would help to contribute to meeting local housing targets and would be in compliance with the NPPF and UDP Policy H1/2.

The principle of a residential development for 2 no dwellings has also been previously established with the grant of permissions in 2017 (outline) and 2020 (reserved matters).

Environment Policy Principle - The proposal is partly within the River Valley (UDP Policy OL5/2) and Wildlife Corridor (UDP Policy EN6/4) and Protected Recreation under Policy RT1/1.

River Valley - A small part of the application site is designated as River Valley under Policy

OL5/2.

UDP Policy OL5/2 sets out the approach towards development proposals within areas designated as River Valley. Policy OL5/2 restricts new buildings or the change of use of land in River Valleys except where the development would not lead to the division of open parts of the valleys into sections. The site is not in the Green Belt and, as such, Policy OL5/2 requires the development to satisfy at least one of the circumstances listed. These relate to the development representing limited infilling, an extension or renewal of existing industry, an outdoor recreational or appropriate tourist facility use, limited development essential to the maintenance and improvement of public services and utilities and development appropriate in a Green Belt.

The proposal would not lead to the division of open parts of the valley into sections as it is disconnected from the wider valley. As such it would not obstruct access through the valle and it is considered to represent limited infilling within an established settlement. Therefore, the proposal is in conformity with UDP Policy OL5/2.

<u>Wildlife Links and Corridors</u> - A small part of the application site is within a Wildlife Corridor as designated under UDP Policy EN6/4. Policy EN6/4 states that new development within or adjacent to wildlife links and corridors should contribute to their effectiveness through design, landscaping and siting of development and mitigation works.

The proposed development would be within a small area of the Wildlife Corridor and a landscaping scheme has been submitted which GMEU have advised is appropriate mitigation.

It is considered that the proposal would be in conformity with UDP Policy EN6/4 and a condition would ensure that appropriate mitigation measures are provided.

<u>Recreation</u> - A small part of the application site forms part of a wider RT1/1 designation which covers Goshen playing fields. However, it is considered that the site is detached from these playing fields due to lack of direct access and the line of trees and vegetation and therefore cannot be considered to contribute to the recreation space provided at Goshen. The remaining part of the site outside of the RT1/1 designation does not fulfil a recreation function and did not feature in the 2012 Greenspace Strategy and Recreation audit. As such, the proposed development would not conflict with Policy RT1/1.

It is therefore considered the proposed development would be consistent with planning policies OL5/2, EN6/4 and RT1/1.

Places for Everyone (PfE)

The Places for Everyone Joint Development Plan Document (PfE) is a joint plan covering nine of the ten Greater Manchester districts, including Bury, and is intended to provide the overarching framework to strategically manage growth across the boroughs.

PfE was published in August 2021 and subsequently submitted to the Secretary of State in February 2022. Inspectors have been appointed to carry out an independent examination of the Plan with the hearing sessions concluding in July 2023. The examination of the plan is on-going.

Whilst PfE cannot be given full weight until it is adopted, its advanced stage of preparation means that it is now considered reasonable that the Plan (as proposed to be modified) should be given weight in the decision-making process in line with paragraph 48 of the National Planning Policy Framework.

Consequently, the principle of this application has been considered against the Plan (as proposed to be modified) and reference to policies and proposals are outlined below where these are considered relevant.

Policy JP-G3: River Valleys and Waterways

Policy JP-G3 seeks to protect and improve river valleys and waterways as central components of our Green Infrastructure network. It requires new development to seek to retain the open character of the river valleys, avoiding their fragmentation and prominent development on valley edges. The policy also requires development to relate positively to nearby rivers.

As noted above, only a small part of the application site is designated as River Valley in the UDP and the proposal would not lead to the division of open parts of the valley. Furthermore, whilst close, the application site is not adjacent, accessible or visible to the River Roch. As such, the proposed development would not conflict with Policy JP-G3.

Policy JP-G9: A Net Enhancement of Biodiversity and Geodiversity

Policy JP-G9 requires development to follow the mitigation hierarchy of:

- Avoiding significant harm to biodiversity, particularly where it is irreplaceable, and including through consideration of alternative sites with less harmful impacts where appropriate,
- Adequately mitigating (within the local area) any harm to biodiversity,
- then
- Adequately compensating (within the local area) for any remaining harm to biodiversity.

As noted above, only a small part of the site is located within a Wildlife Corridor. A landscaping scheme including boundary treatment has been submitted and GMEU have advised this is appropriate mitigation for the small loss of biodiversity.

As such, it is considered that the proposal would be in conformity with JP-G9 and a condition would ensure that appropriate boundary treatment and mitigation measures are provided.

Layout and siting - The existing dwellings are arranged in a horseshoe form around the cul de sac within relatively spacious plots. The density of the existing built development to available land is low.

The proposed dwellings would have a similar, if not slightly smaller footprint than the existing dwellings and would similarly be set within generous plots sizes. The dwellings would be positioned towards the rear of the plot and largely retain open and generous grassed front gardens with double driveways which would reflect the character of the existing cul de sac.

It is proposed to separate the driveways by a hedge which would run the length of the drives to the front of the site. It is also proposed to erect a 1.1m high fence with hedge planting at the side of the houses to create acceptable levels of private amenity space at the side and rear of the properties, but this would not affect the frontages which would largely remain open.

It is considered this layout would therefore reflect the character, arrangement and layout of the existing dwellings on the cul de sac.

Representations made to the application have stated that there is a covenant on the existing dwellings which restricts the erection of any boundary fencing, hedging and walls forward of the front elevations of these houses.

The applicant has confirmed that there is no restrictive covenant with reference to the erection of fences, walls, hedging etc on the application site. That aside, covenants on land are private matters and not material planning considerations. In other words, planning permissions can be granted on land which is subject to a covenant, but the covenant could

possibly restrict the development, or parts thereof from being built out.

From a planning perspective and for the reasons above, the proposed development is considered to be acceptable in terms of character and layout of development within this setting.

A sewer pipe runs across the site in a north/south direction. The applicant is aware of this pipe and it is plotted on the proposed site plans and labelled as 'approx line of drain'. The proposed dwellings would be sited east of this line by 4.9m.

United Utilities have been consulted and in principle have raised no objections to the proposed development and have no objections to the drainage strategy which has been submitted, subject to implementation. The acceptability of the proposal from UU's perspective is dependent on the applicant knowing the exact location (line and depth) of the pipe which would need to be confirmed through site specific investigations which is the applicant's responsibility to investigate and demonstrate the exact relationship between United Utilities' assets and the proposed development.

This would be a private matter for the applicant to address and would not prevent a permission to be granted on the site as UU's agreement would be required.

It is therefore considered that the proposed development would reflect the layout and character of the existing cul de sac, by setting back the properties within the plot and largely retaining an open aspect and frontage. The proposed development is therefore considered to be acceptable and would comply with H2/1 and H2/2.

Permitted development rights would be removed to ensure that any future development could be controlled to limit/minimise impacts of any future development on either the character of the cul de sac or the residential amenity of the existing occupiers.

Scale, design and appearance - The existing dwellings on the cul de sac are detached properties. They are 2 storey in height comprising red brick elevations and pitched roof detailing to the front elevations and grey framed windows and doors.

The proposed dwellings would also be detached and have a similar, if not slightly smaller footprint to the existing properties. The dwellings would be 2 storey in height and whilst there would be accommodation at a 2nd floor level, this would be entirely contained within the roofspace and as such the dwellings would appear as 2 storey types which would be in keeping with the scale and massing of the adjacent properties.

Design elements such as the pitched roof front projections and symmetrically aligned and proportioned window openings would be incorporated to reflect the design of the existing dwellings and materials would comprise red brick elevations, dark red roof tiles and grey windows which would also be in keeping with the surrounding houses.

It is therefore considered that the design and scale of the proposed dwellings would take reference from the existing properties and reflect the design and scale of the dwellings which characterise the cul de sac and urban grain and as such would comply with policies EN1/2, H2/1 and H2/2.

Impact on residential development - Supplementary Planning Document 6 is used as a guide to assess relationships and aspect standards between properties and new built development to ensure that suitable separation distances are maintained and that a new development would not cause undue harm to adjacent neighbours. Advice is to maintain a distance of 13m between principal windows and blank gable walls.

From the front elevations of both proposed dwellings, there would be a distance of more than 21m to all the properties on the cul de sac and more than 35m to some of the houses.

The existing conifers which are located at the front of the site are proposed to be retained

and as such would provide some screening of the site. Notwithstanding this, aspect standards would be satisfied for the proposed development and the set back of the houses within the site area would also maintain a sense of openness and space between the new development and existing properties.

As such, the proposed development would comply with H2/2, H2/6 and SPD6.

Access and parking - The cul de sac and access to it is a private and unadopted but well maintained and tarmaced lane. The access is a single width and short stretch of road with a sharp bend into the cul de sac from the main part of Meadway.

In terms of access to the site which has been included in the red edge location plan, the applicant has served the requisite notices on the owners of the road and as such satisfies the requirements of the certification of the application.

It is proposed to provide a passing place for 2 cars located within part of the southern parcel of land near to where the lane bends and this would improve visibility into and out of the cul de sac and reduce conflict between vehicle users and pedestrians emerging onto Meadway at this point. It would bring a benefit to both the future occupiers of the dwellings and the existing residents.

As an additional consideration, the access lane does not lend itself to be driven at fast or even moderate speed and any user of the lane would automatically slow down and take care along the route.

For two additional dwellings it is considered that the scale of development would not significantly add to the volume of traffic to the extent to cause highway safety concerns and the works to include a passing place would improve the existing access arrangements. Occupiers of both the existing and proposed dwellings would also not be leaving or arriving at the same time and therefore additional traffic generation to and from the site would be relatively insignificant.

In terms of parking, the development proposes driveways to each dwelling and the proposed plans show 3 cars could comfortably be provided per property. SPD11 advises 3 parking spaces for be provided and as such the proposed development would comply with this policy guidance.

There would be adequate space within the cul de sac to facilitate vehicles reversing out of the plots without encroaching onto neighbouring driveways.

The Highway Authority have raised no objection to the proposed development subject to conditions.

It is therefore considered the proposed development would provide acceptable access and parking arrangements and would comply with H2/2, H2/6 and SPD11.

Public Right of Way - There is a public footpath next to the access to the site which follows the River Roch. The proposed development would not encroach onto the footpath. Should the Right of Way be affected, an appropriate closure or diversion order would be required. An informative would be included to this affect.

Air quality - Bury Council has been identified by DEFRA as an area requiring to significantly improve air quality. Due to this requirement and in line with the principles of Good Practice set out in the EPUK Guidance, a condition is recommended for the provision of an electric vehicle (EV) charging points for each residential unit.

Trees - The proposed development will not impede or impact on any of the existing trees beyond the eastern boundary of the site. A condition for tree protection measures would be included to ensure there would be no harm caused to the trees on the Roch Valley Way.

Ecology

Summary

Ecological issues remain effectively unchanged from the previous application

Protected Species

No evidence of any protected species was identified, though it was noted that species such as bat, badger, reptiles and otter may utilise the site on occasion. GMEU are satisfied that the risk of an offence is very low and that only an informative with regards otter is required which has now been recorded on the River Roch.

Nesting Birds

The development will result in the loss of trees and shrubs, 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. GMEU recommend a condition to restrict the timing of tree/shrub removal unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance.

Other Mammals and Amphibians

The scrub woodland provides potential habitat for species such as hedgehog and common toad, both UK Biodiversity Priority Species and therefore material considerations. GMEU recommend that measures are taken to ensure such species are humanely moved/displaced from the site. The details can be conditioned to provide a reasonable avoidance measures method statement for mammals and amphibians.

Invasive Species

The proposed invasive species management plan demonstrates a commitment to preventing the spread of Japanese knotweed and Himalayan balsam. GMEU are satisfied that a condition can be applied that prior to any earthworks or vegetation clearance an updated invasive species survey and management plan will be submitted for approval.

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. Mitigation should be provided for loss of trees and shrubs as well as associated bird nesting habitat. Enhancement measures for bats are also recommended.

The development proposes to provide native hedging and 3 medium standard native trees road verge in front of the houses with 3 native landscape trees to mitigate for the net loss of biodiversity on site and include bat and bird boxes in both of the dwellings. GMEU are satisfied with the proposals and recommend the details are secured by condition.

The proposed development would therefore comply with UDP Policy EN6/3 and the principles of the NPPF.

United Utilities

In terms of drainage of the site, following review of the submitted Drainage Strategy, United Utilities have confirmed the proposals would be acceptable in principle subject to a condition for the implementation of the submitted strategy.

A public pipe crosses the site in a north/south direction. The footprint of the proposed dwellings are shown to be located 4.9m to the east of this pipe.

Following review of the proposed site layout, UU have stated that it would appear that the required access to the combined sewer would be provided. However, the acceptability of the proposed development would be dependent on the applicant knowing the exact line location and depth of the asset, which should be confirmed through the applicant's site specific investigations.

It is the applicants responsibility to ensure that United Utilities required access is provided

within any proposed layout and that their infrastructure is appropriately protected. The developer/applicant would be liable for the cost of any damage to United Utilities assets resulting from their activity.

For planning purposes, the location of the public pipe would be a private matter for the applicant to address directly with UU. The relevant consents and permits from UU would need to be applied for to secure build over agreements or connections to public sewers.

As such, it is considered that the proposed development, with the condition for the implementation of the submitted a drainage scheme would be acceptable and comply with chapter 10 - Meeting the challenge of climate change, flooding and coastal change of the NPPF and UDP Policy EN5/1 - New Development and Flood Risk.

Flood Risk - Part of the site falls within Flood Zone 2.

The Environment Agency (EA) have been consulted on the application. The EA have produced a series of standard comments for local planning authorities (LPA's) to refer to on 'lower risk' development proposals where flood risk as an issue. These standard comments, known as Flood Risk Standing Advice, replace the requirement for direct case by case consultation with the EA by Local Planning Authorities. This planning application sits within this category.

A Flood Risk Assessment (FRA) has been submitted with the application and has been prepared in consideration of the requirements of local and national planning policy. The FRA recommends that the finished floor levels are raised to 69.48AOD and advises that appropriate flood resilience and resistance measures are included at the ground floor in both dwellings.

The proposed plans show that the proposed dwellings would be set at this recommended floor level and this would be secured by condition.

The location of the proposed dwellings has been shown to lie outside the modelled fluvial and pluvial extent and as such should not increase flood risk elsewhere through the displacement of water.

An advisory note to the applicant to include flood resilience and resistance measures at the ground floor and sign up to the Met office Severe Weather Warning Service would be included.

The FRA has been compiled in line with the EA's Standing Advice, and subject to conditions and advisory notes to the applicant, the proposed development is considered acceptable and would comply with chapter 14 - Meeting the challenge of climate change, flooding and coastal change of the NPPF.

Coal Authority - The application site falls within the defined Development High Risk Area; therefore within the site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application. The planning application is accompanied by a Coal Mining Risk Assessment report (11 October 2022, prepared by Geoinvestigate Ltd).

The Coal Authority welcomes the recommendation for the undertaking of intrusive site investigations. These should be designed and carried out by competent persons, in cognisance of the conclusions of the Coal Mining Risk Assessment, and should be appropriate to assess the ground conditions on the site in order to establish the coal-mining legacy present and the risks it may pose to the development.

The results of the investigations should be used to inform any remedial works and/or mitigation measures that may be necessary to ensure the safety and stability of the proposed development as a whole, including the buildings and external areas such as driveways and parking areas. Such works/measures may include grouting stabilisation

works and foundation solutions.

The Coal Authority concurs with the conclusions of the Coal Mining Risk Assessment report; that coal mining legacy potentially poses a risk to the proposed development and that investigations are required, along with possible remedial measures, in order to ensure the safety and stability of the proposed development.

The Coal Authority has no objection subject to the imposition of conditions.

Response to objectors

- The applicant has since signed Certificate B and served notice on the 5 other properties on the cul de sac, (Nos 15, 17, 19, 21 & 23 Meadway) who have shared/joint access rights/ownership of the access lane into the cul de sac. The applicant has also certified that the development site itself is in their ownership.
- The applicant has stated that there is no restrictive covenant on the site with reference to the erection of fences, walls, hedges etc to the frontage. This would be a private matter in any event. Planning permission could be granted, but a covenant could restrict implementation.
- Aspect standards would be acceptable and comply with Policy Document SPD6.
- It is considered the scale of development for an additional 2 dwellings would not significantly affect access to the site for emergency services, either to the existing properties or the proposed dwellings.
- There should not be an assumption that future occupiers would be reckless or careless drivers or cause highway safety issues within a cul de sac setting or its access to it. Access to the site has been assessed and considered acceptable for the scale of development proposed.
- The development would provide 3 parking spaces which would comply with the standards in SPD11. The driveway parking would provide similar provision comparative to other properties on this cul de sac.
- A condition would require the submission of a Construction Traffic Management Plan for approval.
- A topographical plan has been submitted to include the location of existing trees/lampposts.
- GMEU are satisfied with the proposals for ecological mitigation and a condition has been included to require an updated invasive species report.
- No evidence of any protected species was identified, and GMEU are satisfied any risk would be low. An informative to the applicant has been included.
- A reasonable avoidance measures method statement for mammals and amphibians will be required by condition.
- The density of development, scale, appearance and material of the proposed dwellings have been covered in the above report.
- Traffic generation and access have been covered in the above report.
- Flood risk, drainage and location of the United Utility pipe have been covered in the above report.

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

- The development must be begun not later than three years beginning with the date of this permission.
 <u>Reason</u>. Required to be imposed by Section 91 Town & Country Planning Act 1990.
- 2. This decision relates to drawings Site location and block plan 001 rev 6; Existing site 501 rev 4;Proposed site plan 502 rev 4; Site topo existing 503; Site - topo- proposed 504 rev 1; Proposed plans 002 rev 3; Proposed plans and elevations 003 rev 4; Foul & Surface Water Drainage Design Drawing FRA 22 1125, Rev 2- Dated 01/2023 prepared by LK Group and the development shall not be carried out except in accordance with the drawings hereby approved. <u>Reason.</u> 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. 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.

<u>Reason</u>. 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.

4. Following the provisions of Condition 3 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.
<u>Reason</u>. To secure the satisfactory development of the site in terms of human health, controlled waters and the wider environment and pursuant to National

health, controlled waters and the wider environment and pursuant to National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.

5. Prior to occupation the applicant shall provide 1 Electric Vehicle Chargepoint (minimum 7kW*) for each dwelling.
*Mode 3, 7kW (32A) single phase, or 22kW (32A) three phase, and for 50kW Mode 4 rapid charging may be required. British Standard BS EN 61851-1:2011 to be used (note this version is due to be replaced by BS EN 61851-1:2019 on 5 July 2022).
<u>Reason</u>. In accordance with the NPPF, to encourage the uptake of ultra-low emission unbiable and ensure the descent is guestingable. To acfore the phase and ensure the descent is guestingable.

<u>Reason</u>. In accordance with the NPPF, to encourage the uptake of ultra-low emission vehicles and ensure the development is sustainable. To safeguard residential amenity, public health and quality of life.

6. The dwellings hereby approved shall be raised above the 0.1%AEP flood level to a floor level 69.48m AOD as detailed on the approved plan Site - Topo- Proposed 504 rev 1.

<u>Reason</u>. To secure the safe and satisfactory development of the site pursuant to the principles of chapter 14 of the NPPF.

7. The drainage for the development hereby approved, shall be carried out in Page No 14

accordance with principles set out in the submitted Foul & Surface Water Drainage Design Drawing FRA 22 1125, Rev 2- Dated 01/2023 which was prepared by LK Group. For the avoidance of doubt surface water must drain at the restricted rate of 5l/s.

Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

<u>Reason</u>. To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding 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. No development shall commence until;

a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past shallow coal mining activity; and
b) 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.

<u>Reason</u>. 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 183 and 184 of the National Planning Policy Framework.

- 9. 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. <u>Reason</u>. 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 183 and 184 of the National Planning Policy Framework.
- 10. 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 Local Planning Authority.
 <u>Reason</u>. In order to ensure that no harm is caused to a Protected Species pursuant to policies EN6 Conservation of the Natural Environment and EN6/3 Features of Ecological Value of the Bury Unitary Development Plan and National Planning Policy Framework Section 15 Conserving and enhancing the natural environment.
- 11. Prior to any vegetation clearance or earthworks a reasonable avoidance measures method statement for mammals and amphibians shall be provided to and

approved in writing by the Local Planning Authority. The approved measures shall thereafter be implemented in accordance with the method statement and for the duration of the works.

<u>Reason</u>. In order to ensure that no harm is caused to a Protected Species pursuant to policies EN6 - Conservation of the Natural Environment and EN6/3 -Features of Ecological Value of the Bury Unitary Development Plan and National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.

- 12. Prior to any earthworks or vegetation clearance an updated invasive species survey and management plan will be supplied to and approved in writing by the Local Planning Authority. The approved management plan shall include a timetable for implementation. Should a delay of more than one year occur between the date of approval of the management scheme and either the date of implementation of the management scheme and either the date of implementation of the management scheme or the date of development commencing, a further site survey must be undertaken and submitted to the Local Planning Authority. <u>Reason.</u> The scheme does not provide full details of the actual extent of invasive species in the interest of UDP Policy EN9 Landscape and pursuant to National Planning Policy Framework Section 15 Conserving and enhancing the natural environment.
- 13. The development hereby approved shall be carried out in accordance with the proposed landscaping to provide 3 native medium standard trees and native hedging as detailed on the proposed site plan dwg 502 rev 4 and shall also provide for bird and bat boxes as shown on approved plan 003 rev 4 The approved schemes 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.

<u>Reason</u>. 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.

- 14. All trees to be retained on site shall be protected in accordance with BS 5837:2012 "Trees in relation to design, demolition and construction". The development shall not commence unless and until the measures required by the British Standard are implemented and all measures required shall remain in situ until the development has been completed. <u>Reason</u>. To avoid the loss of trees which are of amenity value to the area pursuant to Policy EN1/2 Townscape and Built Design and EN8/2 Woodland and Tree Planting of the Bury Unitary Development Plan.
- 15. Notwithstanding the terms of the Town and Country Planning (General Permitted Development) (England) Order 2015, as subsequently amended, no development shall be carried out within the terms of Classes A to G of Part 1 of Schedule 2 of the Order, without the submission and approval of a relevant planning application. <u>Reason</u>. To ensure that future inappropriate alterations or extensions do not occur pursuant to policies of the Unitary Development Plan listed.
- 16. Notwithstanding the submitted 'Construction Traffic Management Plan' (CTMP), no development shall commence unless and until a CTMP has been submitted to and agreed in writing with the Local Planning Authority and shall confirm/provide the following:

- Photographic dilapidation survey of the footways and carriageways leading to and abutting the site in the event that subsequent remedial works are required following construction of the development and as a result of statutory undertakers connections to the site;
- Access route for all construction vehicles to the site from the Key Route Network;
- Access point/arrangements for construction traffic from the shared private access/Meadway and all temporary works required to facilitate access for construction vehicles;
- If proposed, details of site hoarding/gate positions, incorporating the provision, where necessary, of temporary pedestrian facilities/protection measures;
- A scheme of appropriate warning/construction traffic speed signage in the vicinity of the site and its access;
- Confirmation of hours of operation, delivery and construction vehicle sizes that can be accommodated on the shared private access that serves the site and number of vehicle movements;
- Arrangements for the turning and manoeuvring of vehicles within the curtilage of the site and measures to control/manage delivery vehicle manoeuvres;
- Parking on site or on land within the applicant's control of operatives' and construction vehicles, together with storage on site of construction materials;
- 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 construction period and the measures shall be retained and facilities used for the intended purpose for the duration of the construction period.

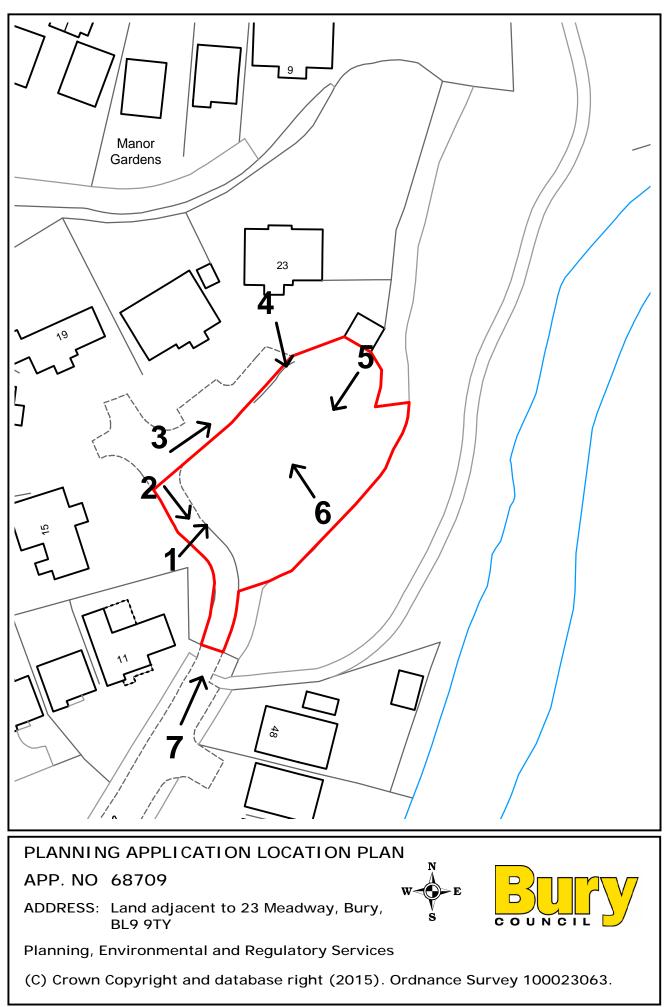
<u>Reason</u>. Information not submitted at application stage. To mitigate the impact of the construction traffic generated by the proposed development on the adjacent residential streets, and ensure adequate off street car parking provision and materials storage arrangements for the duration of the 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.

17. The proposed passing place, driveway positions, parking and bin storage arrangements indicated on approved plan reference GSS22015.3 502 Revision 4 shall be implemented to the satisfaction of the Local Planning Authority prior to the dwellings hereby approved being first occupied and thereafter maintained, with the passing place retained for this use and not for use as a parking facility for occupants of/visitors to the proposed or existing dwellings served by the private shared access.

<u>Reason</u>. To secure the satisfactory development of the site in terms of highway safety, ensure good highway design, maintain the integrity of the adopted highway, all in the interests of highway safety pursuant to Bury Unitary Development Plan Policies H2/2 - The Layout of New Residential Development, HT2/4 - Car Parking and New Development and HT6/2 - Pedestrian/Vehicular Conflict.

For further information on the application please contact **Jennie Townsend** on **0161 253-5320**

Item 1 - Viewpoints



Item 1

Photo 1





ltem 1

Photo 3





ltem 1

Photo 5



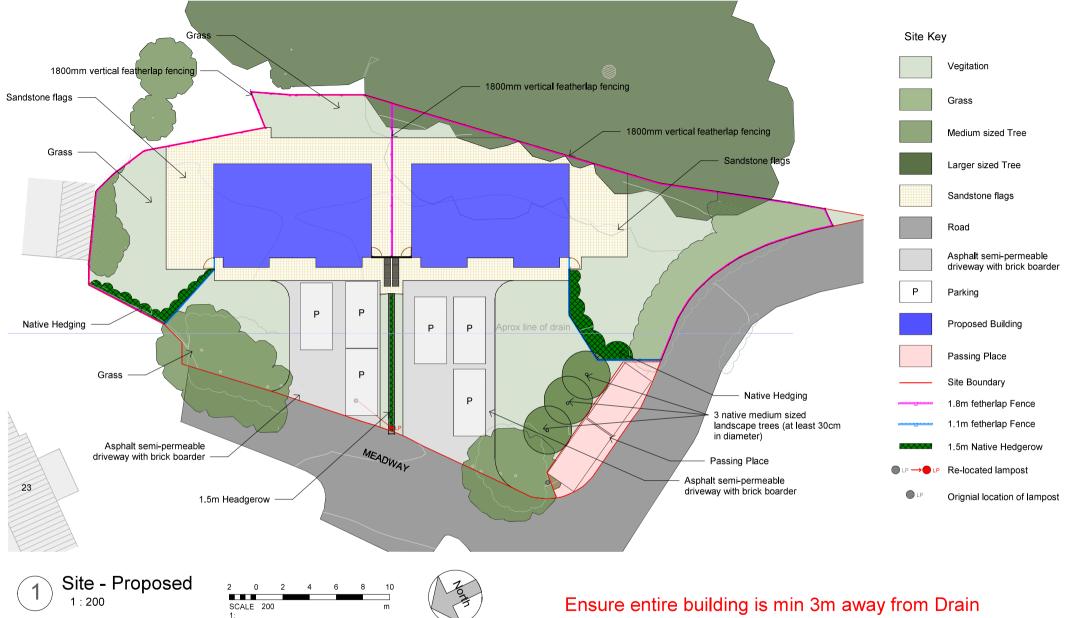


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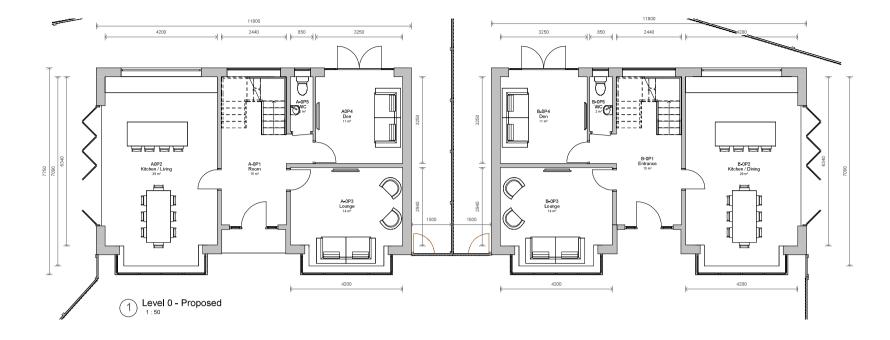
| PROJECT | Meadway, Bury | PROJECT NUMBER DRAW | | awing number 1 | REV | 6 5 4 | Site Boundary Shared Road Revised Desian | 04/05/2023 24/03/2023 14/02/2023 | GOLD SKETCH |
|---------|--------------------------------|---------------------|------------|-------------------|--------------|-------------|--|--|--|
| TITLE | Site - Location and Block Plan | DRAWN BY | CHECKED BY | | SCALE (@ A1) | 3 No | Site Boundary Description | 13/01/2023 Date | S T U D I O S www.goldsketch.co.uk info@goldsketch.co.uk 0161 792 9595 |
| CLIENT | SAC Property Developments Ltd | SG | SG | 12/07/2022 | As indicated | STATUS | PLANNING | | NOTES © COPYRID: - AL RIGHTS RESERVED. INE DRAWING WAST NOT BE REPRODUCED WITHOUT PRIOR WRITTEN CONSENT. DRAWING TO BE USED FOR THE STATUS NOTICATED ON LY. ALL DWENSION ON STITING OF ANY WORK ALL GE GENERA DAD CONFIRMED ON SITE. ANY DISCREPANCIES TO BE REPORTED TO THE DESIGNER ALL DWENSIONS OF PRIOTE NO BOTHING OF ANY WORK ALL OWENCING ON SITE. ANY DISCREPANCIES TO BE REPORTED TO THE DESIGNER PRIOR TO THE COMMON/CEDIMENT OF ANY WORK ALL OWENCING ON SITE. ANY DISCREPANCIES TO BE REPORTED TO THE DESIGNER PRIOR TO THE COMMON/CEDIMENT OF ANY WORK ALL OWENCING ON SITE ANY DISCREPANCIES TO BE REPORTED TO THE DESIGNER PRIOR TO THE COMMON/CEDIMENT OF ANY WORK ALL OWENCING ON THE DATA ON THE DATA OF THE DA |



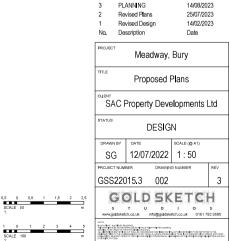
Ensure entire building is min 3m away from Drain Contractor to confirm this before building works commence

| TITLE Proposed Site I Notes Added 1/10/2/022 DRAWN BY CHECKED BY DATE SCALE (@ A1) No. Description Date Info@goldsketch.co.uk info@goldsketch.co.uk 0161 792 9595 CLIENT SAC Property Developments Ltd SG SG 12/07/2022 As indicated STATUS PLANNING Notes | PROJECT | Meadway, Bury | PROJECT NUM | | 502 | | 4 3 2 | 4 Revised Site 3 Topo overlay 2 Revised Design | 29/08/2023 16/05/2023 14/02/2023 | GOLD SKETCH s t u b l o s www.goldsketch.co.uk info@goldsketch.co.uk 0161 792 9595 | |
|--|---------|-------------------------------|-------------|----|------------|------------|--------------|--|--|---|--|
| SAC Property Developments Ltd SG SG 12/07/2022 As indicated SIATUS PLANNING events and accompany set into a statistic constant. | TITLE | Proposed Site | | | | | 1 (1) No. | Notes Added | 01/09/2022 Date | | |
| | CLIENT | SAC Property Developments Ltd | SG | SG | 12/07/2022 | As indicat | ed STA | US | PLANNING | © COPYRIGHT: ALL RIGHTS RESERVED. THIS DRWVING MUST NOT BE REPRODUCED WITHOUT PRIOR WRITTEN CONSENT. | |









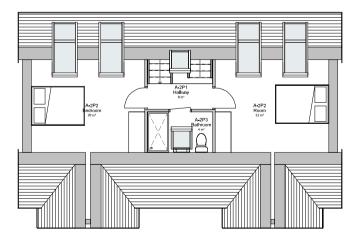


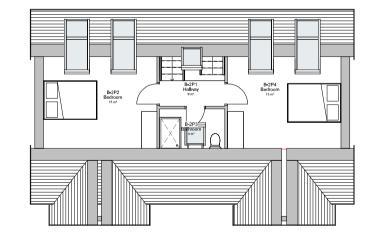


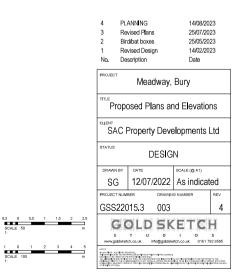


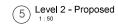


A Right Side - Proposed









3 Rear - Proposed