

<b>Title</b>	<b>Planning Applications</b>
<b>To:</b>	<b>Planning Control Committee</b>
<b>On:</b>	<b>28 October 2014</b>
<b>By:</b>	<b>Development Manager</b>
<b>Status:</b>	<b>For Publication</b>

### Executive Summary

The attached reports present members with a description of various planning applications, the results of consultations, relevant policies, site history and issues involved.

My recommendations in each case are given in the attached reports.

### This report has the following implications

**Township Forum/ Ward:** Identified in each case.

**Policy:** Identified in each case.

**Resources:** Not generally applicable.

**Equality Act 2010:** All planning applications are considered in light of the Equality Act 2010 and associated Public Sector Equality Duty, where the Council is required to have due regard for:  
The elimination of discrimination, harassment and victimisation;  
The advancement of equality of opportunity between persons who share a relevant protected characteristic and person who do not share it;  
The fostering of good relations between persons who share a relevant protected characteristic and person who do not share it; which applies to people from the protected equality groups.

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

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

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

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

upon the merits of the proposal, and falls within the margin of discretion afforded to the Council under the Town & Country Planning Acts.

## **Development Manager**

### **Background Documents**

1. The planning application forms and plans submitted therewith.
2. Certificates relating to the ownership.
3. Letters and Documents from objectors or other interested parties.
4. Responses from Consultees.

FOR FURTHER INFORMATION ON THE CONTENTS OF EACH REPORT PLEASE CONTACT INDIVIDUAL CASE OFFICERS IDENTIFIED IN EACH CASE.

**01**      **Township Forum - Ward:** Whitefield + Unsworth - Unsworth      **App No.**      56860

**Location:**                      The Hollins, Haweswater Crescent, Bury, BL9 8LT

**Proposal:**                      Erection of 21 no. detached dwellings

**Recommendation:** Minded to Approve

**Site Visit:**                      N

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**02**      **Township Forum - Ward:** Whitefield + Unsworth - Pilkington Park      **App No.**      57950

**Location:**                      Land at side of 3 Myrtle Grove, Radcliffe, Manchester, M45 7RR

**Proposal:**                      Erection of new detached house

**Recommendation:** Approve with Conditions

**Site Visit:**                      N

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**Ward:** Whitefield + Unsworth - Unsworth

Item 01

**Applicant:** Morris Homes Limited

**Location:** The Hollins, Haweswater Crescent, Bury, BL9 8LT

**Proposal:** Erection of 21 no. detached dwellings

**Application Ref:** 56860/Full

**Target Date:** 24/02/2014

**Recommendation:** Minded to Approve

**This application was originally presented to Planning Control Committee in April 2014 and was minded to approve, subject to the completion of a Section 106 agreement. Following an objection from United Utilities, the applicant has revised the layout and the application is being presented to PCC for re-determination.**

**It is recommended that this application is Minded to Approve subject to the signing and completion of a Section 106 agreement for recreation provision in accordance with Policy RT2/2 of the adopted Unitary Development Plan and loss of employment land in accordance with Policy EC2/2 of the adopted Bury Unitary Development Plan. Should the agreement not be signed and completed within a reasonable period, it is requested that the application be determined by the Development Manager.**

#### **Description**

The site contains a building, which is currently in use as an office and is constructed from beige brick with a tile roof. The site is a split level site, with a level plateau near the access from Church Meadow and the land slopes steeply towards Haweswater Crescent. As such, the building is single storey on the eastern part of the site and three storey on the western part of the site. There is a car park near the access onto Church Meadow and a landscaped area to the west. The site is some 2 - 3 metres higher than the residential properties to the north.

The site is bounded by residential properties to all boundaries.

The application was presented to the Planning Control Committee in April and the proposed development involved the demolition of the existing building and the erection of 21 dwellings. The site would be accessed from Haweswater Crescent with the access road located above the Haweswater Aqueduct. The proposed dwellings would all be detached and would be constructed from red brick with a tile roof.

Members decided to approve the application, subject to the completion of the Section 106 agreement in relation to recreation provision and loss of employment land at committee in April following a site visit.

In June, United Utilities changed their recommendation on the application and objected to the site layout, which would have an adverse impact upon the Haweswater Aqueduct.

The applicant in conjunction with United Utilities has revised the proposed layout of the site. Given the extent of the changes, the neighbouring properties have been re-notified and given 21 days to comment on the proposals.

The proposed development still involves the demolition of the existing building and the erection of 21 dwellings. The proposed dwellings would be detached and would be constructed from red brick with a tile roof. Five of the proposed dwellings would be accessed by driveways off Haweswater Crescent and the remainder dwellings would be accessed from Church Meadow.

## **Relevant Planning History**

36497 - Renewal of planning permission 31714/95:- first floor extension over existing single storey building with additional car parking at The Hollins, Hollins Lane, Unsworth. Approved with conditions - 10 July 2000.

36656 - Extension and refurbishment to reception area at DTE House, Hollins Lane, Unsworth. Approved with conditions - 26 July 2000.

37306 - Single storey extension on frontage at The Hollins, Hollins Lane, Unsworth. Approved with conditions - 21 March 2001.

01028/E - Residential development - Enquiry completed 25/04/2012

## **Publicity**

67 neighbouring properties (55 - 61 (odds), 63 - 69, 71 - 75 (odds) Church Meadow, 1, 3 - 5, 7, 9, 11, 12, 14 - 19, 21 - 25 (odds), 26, 34 - 44 (evens), 59, 65 Haweswater Crescent, 2 - 6 (evens), 5 - 11 (odds) Hollinsbrook Close, 1 - 10, 12 Mere Close) were notified by means of a letter on 25 November and a press notice was published in the Bury Times on 5 December. Site notices were posted on 26 November 2013.

1 letter of support has been received from 6 Mere Close, which has raised the following issues:

- No objections to the construction of houses on this site.

26 letters have been received from the occupiers of 6 Hollins Brook Close, 1, 4, 5, 9, 11, 12, 14, 15, 16, 17, 19, 21, 23, 25, 26, 36, 40, 42, 44, 65 Haweswater Crescent, 64, 66 Church Meadow, 30 Hillsborough Drive, which have raised the following issues:

- There are too many 4 bed detached properties and not enough smaller dwellings.
- Plot 11 will result in a loss of privacy and sunlight.
- Children play on Haweswater Crescent, which is a side street.
- Haweswater Crescent is traffic calmed and query whether this should be used?
- A plot should be deleted and the access re-located to Church Meadow, which is more suitable.
- Impact upon traffic flow in peak hours.
- Prefer to see the traffic calming measures retained.
- Haweswater Crescent is icy during winter and restricts access during those times.
- The deeds to the existing properties state no fencing or hedges are allowed and this should be enforced on the proposed scheme.
- There are no bungalows provided as part of the scheme.
- Prefer to see the trees (G9) removed as they block light to the residential properties.

Following the receipt of revised plans and additional information on , letters were sent to the neighbouring properties on 14 February and 24 February 2014. 14 letters have been received from the occupiers of 4, 12, 19, 25, 36, 40 Haweswater Crescent, 6, 9 Hollins Brook Close, 64 Church Meadow, which have raised the following issues:

- All of the previous comments are still valid.
- Adverse impact upon privacy as proposed properties will be much higher than the existing levels.
- Impact upon drainage.
- The proposed dwelling would still reduce the light available and would be too close to the boundary fence.
- The proposal includes several trees to be planted, which will further block light.
- The proposed dwelling would look directly into the bedroom of an existing house.
- Impact upon access to properties on Haweswater Crescent during winter months.
- Query whether the trees adjacent to plot 12b are to be retained or not?
- Plot 12b encroached onto the easement for the Haweswater Aquaduct.
- Haweswater Crescent is not suitable for use as an access to a development of this size.
- Prefer to see the existing access from Church Meadow used.

- Existing trees near the boundary of 64 Church Meadow and the access site block light and should be removed.
- Plots 1 and 5 would overlook the existing properties.

The neighbouring properties were notified by means of a letter on 23 September and a press notice was published in the Bury Times on 25 September. Site notices were posted on 23 September 2014.

3 letter has been received from the occupiers of 40 Haweswater Crescent and 6 Hollins Brook Close, which have raised the following issues:

- The gable elevation of plot 15 would be opposite the rear elevation of No. 40 Haweswater Crescent and would impact upon light to the lounge.
- The outlook from No. 40 Haweswater Crescent would be at a 8 - 10 metre blank wall and would be bleak.
- Seek clarification as to whether a new application has been submitted or whether the original application has been amended?
- The change in layout is a radical change and question whether a new application is required? Has the previous layout been rejected?
- The proposed dwelling would extend across the full rear elevation of the existing property.
- The gable wall of the proposed dwelling would be very close to the boundary fence and would severely compromise light and view from the lounge and kitchen windows.
- The note on the drawing advising that the property is not overlooked because it is a gable wall is irrelevant and disingenuous.

The objectors have been notified of the Planning Control Committee meeting.

### **Consultations**

**Traffic Section** - No objections in principle and further comments will be reported in the Supplementary Report.

**Drainage Section** - No objections to previous layout. Any comments will be reported in the Supplementary Report.

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

**Waste Management** - No objections.

**Design for security** - No objections.

**United Utilities** - The current layout has been designed in conjunction with United Utilities and they are assessing the proposals. Any comments will be reported in the Supplementary Report.

**GM Ecology Unit** - No objections, subject to the inclusion of conditions relating to nesting birds, external lighting and landscaping.

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

EC2/2	Employment Land and Premises
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	Woodland and Trees
EN8/2	Woodland and Tree Planting
RT2/2	Recreation Provision in New Housing Development
HT2/4	Car Parking and New Development
HT5/1	Access For Those with Special Needs

SPD1	Open Space, Sport and Recreation Provision
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 (Employment)** - Policy EC2/2 states that the Council will seek the retention of existing employment land and premises outside an EGA except where it can be clearly demonstrated that it is no longer suited in land use terms to continued employment use. In these circumstances consideration will be given to alternative development, providing it would not conflict with the character of the surrounding area and other policies of the Plan.

The site has been assessed as part of the Employment Land Review and this has shown that the application site is considered to be suitable, in land use terms, for employment use. However, SPD14 allows for a more flexible approach whereby if there is commercial and market evidence that there is not currently any realistic prospect of the site being retained in employment use, then the Council may consider alternative uses subject to a one-off financial contribution to compensate for the loss of the employment site. Such sums are then used to free up or contribute to delivering other constrained employment sites.

The applicant has submitted evidence in relation to commercial viability, market conditions and the results of three years of marketing and, whilst this is not fully in accordance with the requirements set out under SPD14, it is, in this instance, considered to be sufficient in demonstrating that there is little prospect of the site being used for employment purposes at the present time.

This being the case, alternative uses can be considered subject to a one-off financial contribution to off-set the loss of the employment use. For a site of this size (0.86 hectares), there would normally be a requirement to pay £335,400 and this would be used to bring forward employment opportunities elsewhere. However, during discussions over the application, the DTE Group has expressed their commitment to relocating the business and its 70 staff to an alternative site within the Borough.

As a result of this commitment to retain staff within the Borough, the applicant has agreed to the principle of a Section 106 agreement requiring them to make a reduced one-off employment contribution of £28,152.01 on the proviso that they do relocate within the Borough. The agreement is that the shortfall on what would normally be required to be payable (£307,247.99) is paid in the event that they fail to relocate within the Borough. In this instance, this approach is considered to be an acceptable compromise position in the interests of retaining a significant number of jobs within the Borough.

Consequently, the principle of the proposal is, on balance, considered to be acceptable subject to the agreement being signed, based on the above.

**Principle (Housing)** - Following revocation of the North West Regional Spatial Strategy on 20 May 2013, there is no statutory housing target for Bury. Work is continuing on Bury's Local Plan, which will bring forward a new statutory housing target.

In the meantime, the National Planning Policy Framework should be treated as a material planning consideration and it emphasises the need for local planning authorities to boost the

supply of housing to meet local housing targets in both the short and long term. There is a particular emphasis, as in previous national planning guidance, to identify a rolling five year supply of deliverable housing land.

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 in a residential area. As such, the proposed development would not conflict with the surrounding land uses and would be located in a sustainable location with good access to public transport and services. The site contains an existing building and as such, would be previously developed land. 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 dwellings would be detached and would be two storeys in height. The provision of bay windows, canopies, porches, brick eaves, stone cills and headers to windows help to break up and animate the elevations. The existing dwellings are constructed from a variety of materials, including red brick, beige brick and render. The proposed dwellings would be constructed from red brick with a grey tile roof, which would match some of the surrounding properties and would complement the remaining dwellings. Therefore, the proposed development would not be unduly prominent within the locality and would be in accordance with Policies H2/1, H2/2 and EN1/2 of the Bury Unitary Development Plan.

**Impact upon surrounding area** - The proposed dwellings would have a side or rear garden and have an acceptable level of private amenity space. There would be space within the rear or side gardens for bin storage. The proposed boundary treatments would include a 1.8 metre high screen wall to the rear gardens, which are immediately adjacent to the access road and 1.8 metre high timber boarded fencing between the remaining rear gardens. The boundary to the north of the site would be marked by a 1.2 metre high 3 rail ranch type fence. The proposed boundary treatments would be acceptable and would not be a prominent feature within the locality. Therefore, the proposed development 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.

Within the development, four properties would not meet the aspect standard. There would be 19.1 metres between the front elevations of plots 8 and 10 and between plots 18 and 21. The aspect standard should be 20 metres. Given that the land above the aqueduct and the associated easement cannot be built upon and it would only affect one of the elevations, it is considered that the proposed development would be acceptable in this instance.

All of the remaining relationships within the proposed development would comply with the relevant aspect standards.

Outside of the site, there would be a minimum of 22 metres between the proposed development and the existing dwellings on Haweswater Crescent.

There would be 16.5 metres between the rear elevation of No. 40 Haweswater Crescent and the gable elevation of plot 15. This would be in excess of the aspect standard of 13 metres and as such, the proposed development would not have any adverse impact upon the amenity of the neighbouring properties.

Therefore, the proposed development would comply with Policies H2/1, H2/2 and SPD6 and therefore, would not have an adverse impact upon the amenity of the neighbouring properties.



**Ecology** - A ecology report and bat survey have been submitted as part of the application. The report states that the proposed development would not have an adverse impact upon the ecology at the site. GM Ecology Unit has requested that an updated bat survey be undertaken to ascertain the current situation in relation to bats. The applicant is undertaking this survey and it will be reported on in the Supplementary Report.

Notwithstanding the updated bat survey, GM Ecology Unit has no objections to the proposed development, subject to the inclusion of conditions relating to nesting birds, bats and a landscaping plan. Therefore, the proposed development would not harm the ecology of the site and would be in accordance with Policies EN6 and EN6/4 of the Bury Unitary Development Plan.

**Haweswater Aqueduct** - The proposed development has been redesigned and the proposed access road would cross the Haweswater Aqueduct in 3 places. There would be no built development on top of the aqueduct or the easements required by United Utilities. United Utilities are assessing the proposals and their comments will be reported in the Supplementary Report. Therefore, the proposed development would be in accordance with Policies EN7/4 and EN7/5 of the Bury Unitary Development Plan.

**Highways issues** - The proposed development would be accessed from the existing access on Church Meadow with 5 dwellings being accessed from Haweswater Crescent via private driveways. There would be acceptable levels of visibility at the junction of the proposed access with Church Meadow and the Traffic Section has no objections to the proposal in principle. The applicant has submitted further revised plans to ensure adoption of the estate, which are currently being assessed and further comments will be reported in the Supplementary Report.

**Parking** - SPD11 states that the maximum number of parking spaces is 3 spaces per 4 bed dwelling and 2 spaces per 3 bed dwelling. This equates to a maximum of 60 spaces.

40 parking spaces would be provided and all of the properties would have access to a garage in addition to the parking spaces. As such, 61 parking spaces would be provided, which would be acceptable in this case. Therefore, the proposed development would be in accordance with Policy HT2/4 of the Bury Unitary Development Plan and SPD11.

#### **Planning Obligations**

- A contribution of £71,847.99 for recreation in accordance with Policy RT2/2 and SPD1.
- A contribution of £28,152.01 for loss of employment land in accordance with Policy EC2/2 and SPD14.
- The balance of £307,247.99 would be required should the companies not relocate the business within the borough of Bury.

The above obligations would be secured through a Section 106 agreement.

#### **Statement in accordance with Article 31 Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2012**

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 Paragraphs 186-187 of the National Planning Policy Framework.

**Recommendation:** Minded to Approve

## 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 N903/P/LP01 Rev A, N272/P/PL02, N272/P/HTRUF/01, N272/P/HTRUF/02, N272/P/HTEL/01, N272/P/HTEL/02, N272/P/HTMOR/01, N272/P/HTMOR/02, N272/P/HTBERSA/01, N272/P/HTBERSA/02, N272/P/HTBOL/01, N272/P/HTBOL/02, N272/P/HTCAP2/01, N272/P/HTCAP2/02, N903/P/HTWHA/01, N903/P/HTWHA/02, N903/P/HTDUN/01, N903/P/HTDUN/02, N903/P/HTBRA/01, N903/P/HTBRA/02, N903/P/HTAPP/01, N903/P/HTAPP/02, N903/P/HTWIL/01, N903/P/HTWIL/02, N903/P/HTHOU/01, N903/P/HTHOU/02, GR1, GR2-1A, F1-1, F2-3, CW/6975-P-TC 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. 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. 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 11 - 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.  
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 11 - Conserving and enhancing the natural environment.
5. Any soil or soil forming materials brought to site for use in garden areas, soft landscaping, filling and level raising shall be tested for contamination and suitability for use on site. Proposals for contamination testing including testing schedules, sampling frequencies and allowable contaminant concentrations (as determined by appropriate risk assessment) and source material information shall be submitted to and approved in writing by the Local Planning Authority prior to any soil or soil forming materials being brought onto site, and;  
The approved contamination testing shall then be carried out and validity evidence (soil descriptions, laboratory certificates, photographs etc) 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 11 - Conserving and enhancing the natural environment.

6. All instances of contamination encountered during the development works which do not form part of an approved Remediation Strategy shall be reported to the Local Planning Authority (LPA) immediately and the following shall be carried out where appropriate:

- Any further investigation, risk assessment, remedial and / or protective works shall be carried out to agreed timescales and be approved by the LPA in writing;
- A Site Verification Report detailing the conclusions and actions taken at each stage of the works including validation works shall be submitted to, and approved in writing by, the LPA prior to the development being brought into use.

Reason. To secure the satisfactory development of the site in terms of human health and the wider environment and pursuant to National Planning Policy Framework Section 11 - Conserving and enhancing the natural environment.

7. 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. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.

8. The landscaping scheme hereby approved shall be implemented to the written satisfaction of the Local Planning Authority not later than 12 months from the date the building(s) is first occupied. Any trees or shrubs removed, dying or becoming severely damaged or becoming seriously diseased within 5 years of planting shall be replaced by trees or shrubs of a similar size and species to those originally required to be planted to the written satisfaction of the Local Planning Authority.
- Reason. To secure the satisfactory development of the site and in the interests of visual amenity pursuant to Policy EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan.

9. No works shall be carried out to the trees that would disturb nesting birds between 1st March and 31st August inclusive in any year.

Reason. 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 11 - Conserving and enhancing the natural environment.

10. Prior to the commencement of the development hereby approved, full details of any exterior lighting should be supplied to and approved in writing by the Local Planning Authority. The details shall:
1. Identify areas/features on site that are sensitive for bats and that are likely to cause disturbance in or along important foraging and commuting routes
  2. Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and specifications).

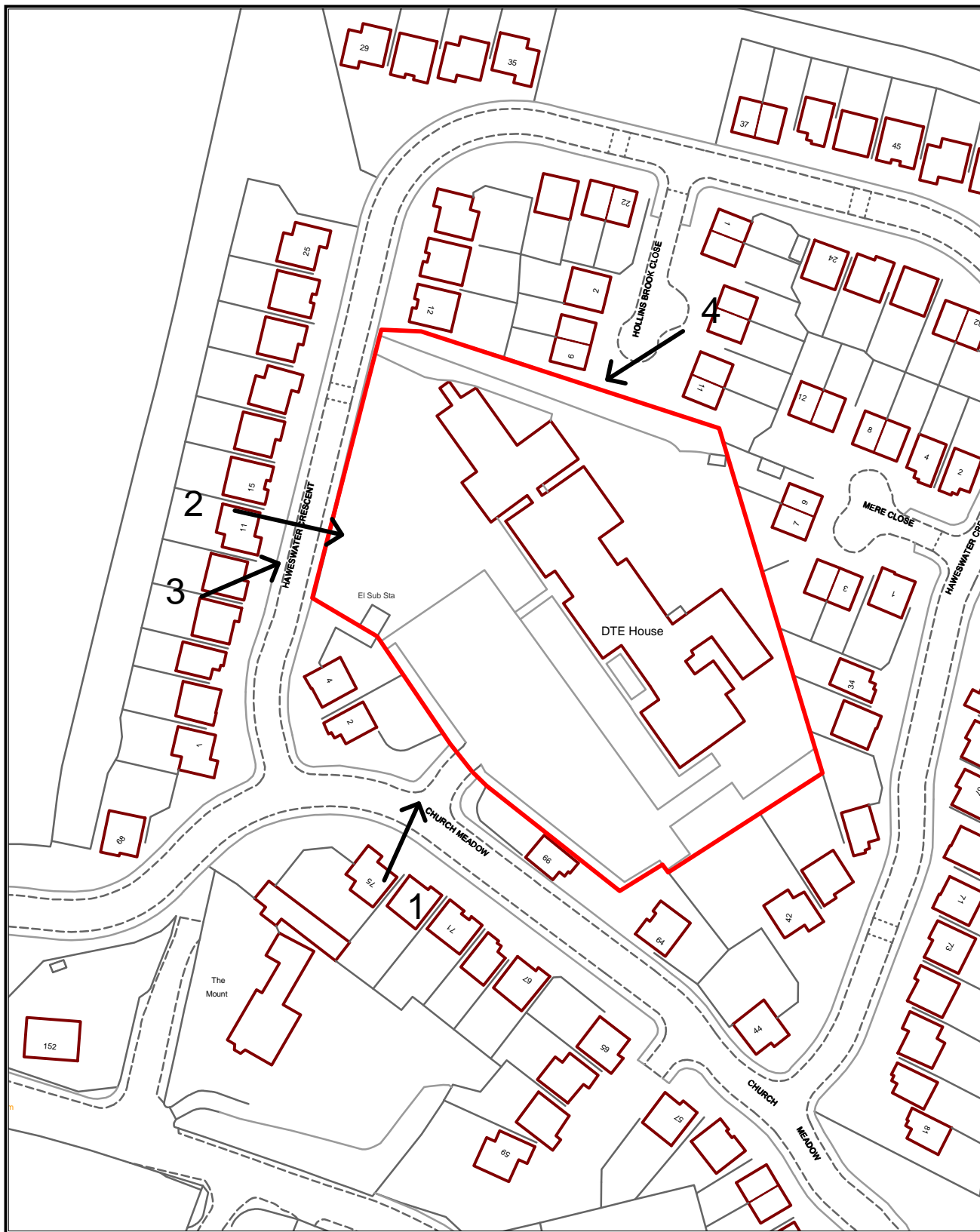
All external lighting shall be installed in accordance with the approved details

Reason. 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 11 - Conserving and enhancing the natural environment.

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

# Viewpoints



## PLANNING APPLICATION LOCATION PLAN

APP. NO 56860

ADDRESS: The Hollins, Haweswater Crescent  
Bury



Planning, Environmental and Regulatory Services **1:1250**

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56860

Photo 1



Photo 2



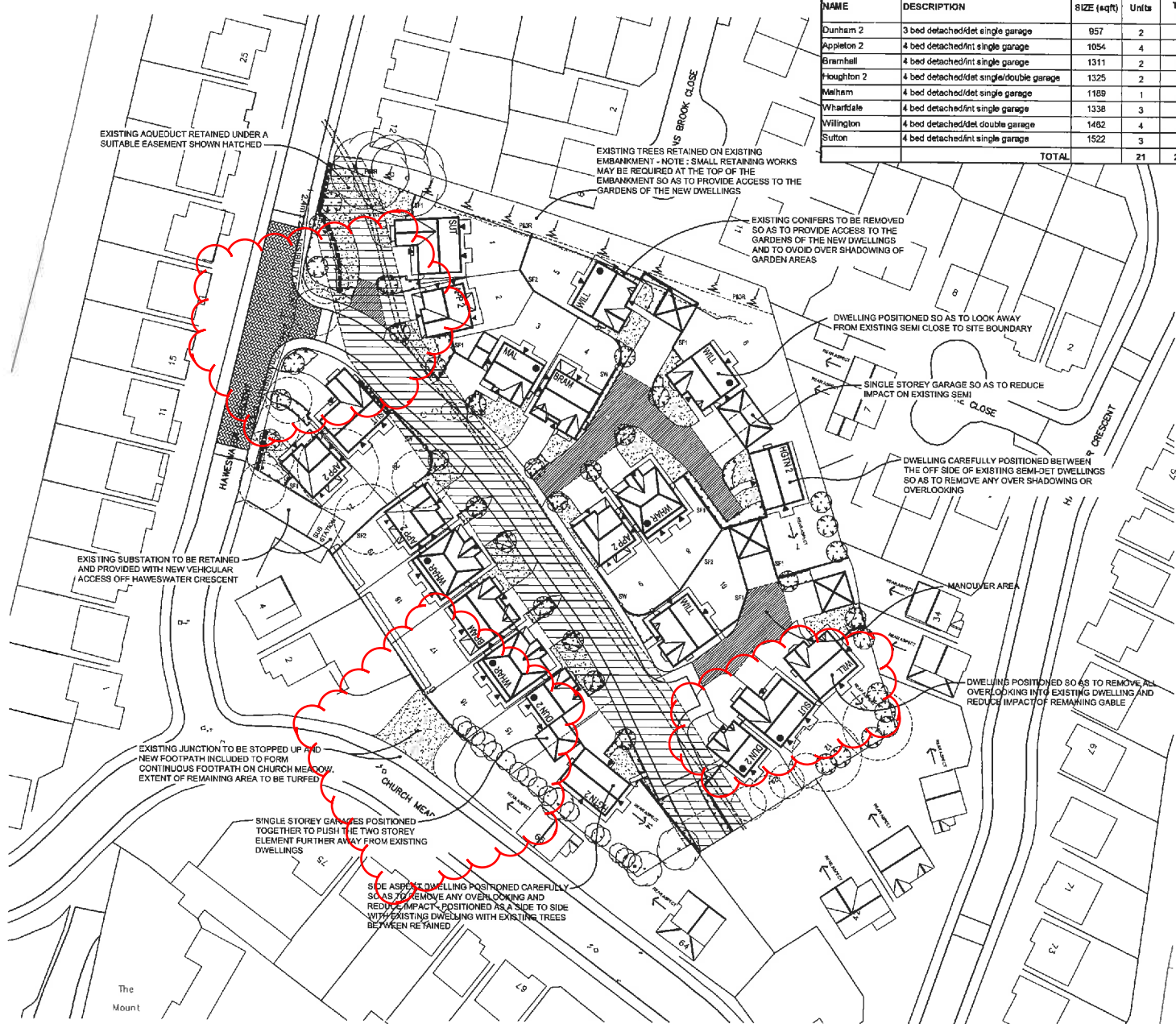
56860

Photo 3



Photo 4





SCHEDULE OF ACCOMMODATION				
NAME	DESCRIPTION	SIZE (sqft)	Units	TOTAL (sqft)
Dunham 2	3 bed detached/det single garage	957	2	1914
Appleton 2	4 bed detached/det single garage	1054	4	4216
Bramhall	4 bed detached/det single garage	1311	2	2622
Houghton 2	4 bed detached/det single/double garage	1325	2	2650
Melham	4 bed detached/det single garage	1189	1	1189
Wharfedale	4 bed detached/det single garage	1338	3	4014
Willington	4 bed detached/det double garage	1482	4	5948
Suften	4 bed detached/det single garage	1522	3	4566
<b>TOTAL</b>			<b>21</b>	<b>27,019</b>

**LEGEND**

- Proposed dwelling
- Proposed dwelling to be built opposite hand
- Proposed brick built garage
- Proposed garage space
- Common areas of shared drives to be contrasted material or zero edgings to delineate shared drive area
- Proposed 1.8m high feather edge boarded timber screen fence
- Proposed 1.8m high screen wall
- Proposed 1.2m high 3 rail ranch style fence
- Proposed 1.2m high railings
- Proposed 0.45m high timber V-rail fence
- Existing hedge to be retained
- Existing hedge to be removed
- Existing tree to be retained
- Existing tree to be removed

**MATERIALS SCHEDULE**

Blk Type	Roof Tile	Door Colour
WR		
YG		

REV	DESCRIPTION	DATE	INT
0	LA Highway Officers comments incorporated into layout	05/01/14	EM
1	Plot 4 amended to Overall Site Plans 11, 12 and 12a in relation to per LA comments.	17/07/14	EM
A	Layout loaded in the vlp LA comments.	04/02/14	EM

**MORRIS HOMES**

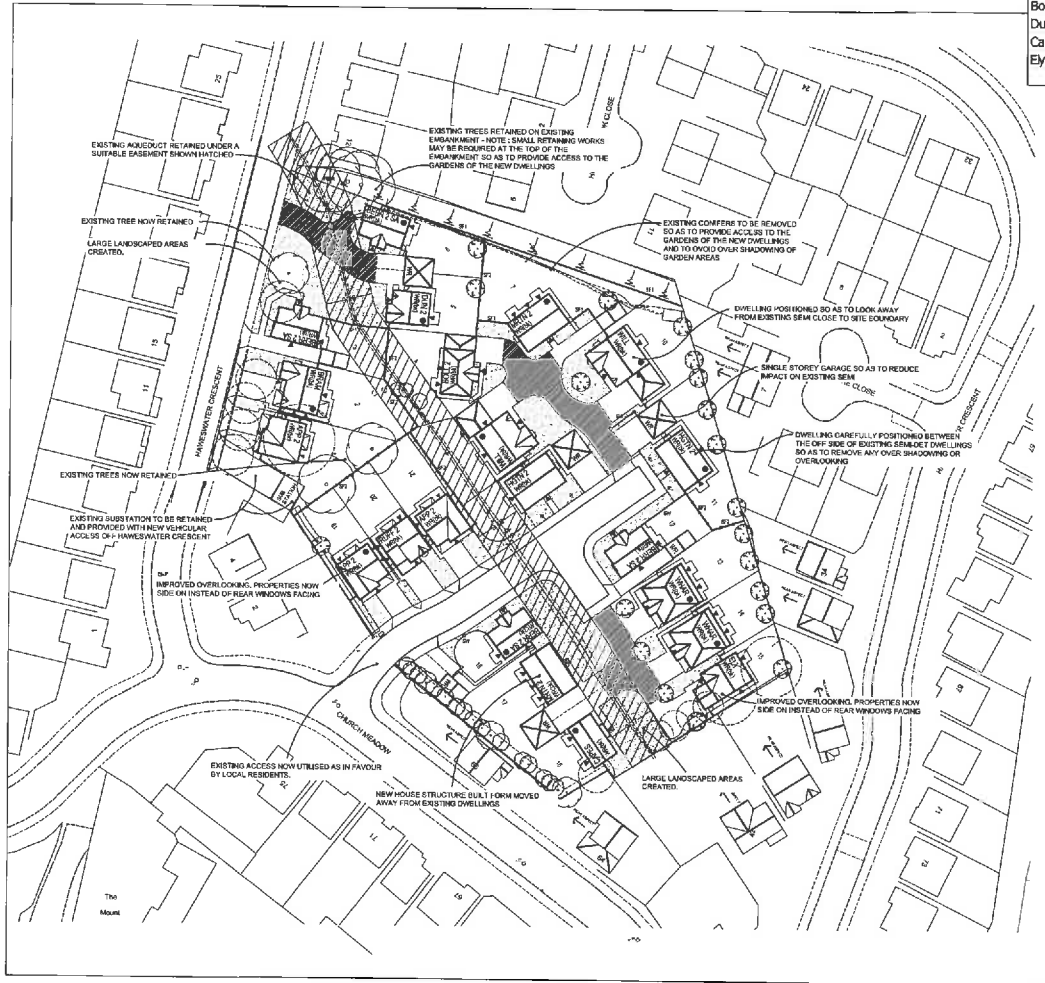
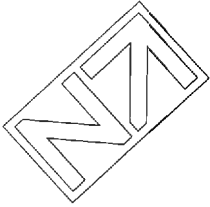
Morris Homes (Group) Limited  
 Morland House  
 Altrincham Road  
 Wilmslow  
 Cheshire SK9 5NW  
 Tel: (01625) 544 444  
 Fax: (0845) 833 1845

Job Title  
**HAWESWATER CRESCENT, BURY.**

**Previous Planning Layout**

date	drawn	checked	scale	dwg no	rev
11/10/13	SJM		1:500 @ A2	N903/P/PL01	C





SCHEDULE OF ACCOMMODATION				
NAME	DESCRIPTION	SIZE (sqft)	Units	TOTAL (sqft)
Bramhal	4 bed detached	1311	1	1311
Houghton 2	4 bed detached	1325	2	2650
Moreton 2	4 bed detached	1326	2	2652
Wilmington	4 bed detached	1462	2	2924
Rufford 2	4 bed detached	994	1	994
Appleton 2	4 bed detached	1054	3	3162
Wharfedale	4 bed detached	1338	2	2676
Berrington 2 SA	4 bed detached	1100	4	4400
Bollington 2	4 bed detached	1076	1	1076
Dunham 2	3 bed detached	957	1	957
Capesthorpe 2	3 bed detached	952	1	952
Ely	3 bed detached	938	1	938
<b>TOTAL</b>			<b>21</b>	<b>24,692</b>

LEGEND	
	Proposed dwelling
	Proposed dwelling to be built opposite hand
	Proposed brick built garage
	Proposed garage space
	Common areas of shared drives in contrasting material or kerb edgings to delineate shared drive areas
	Proposed 1.8m high feather edge boarded timber screen fence
	Proposed 1.8m high feather edge boarded timber screen fence with P.C.C. posts & gravel boards
	Proposed 1.8m high screen wall
	Proposed 1.2m high railings
	Existing hedge to be retained
	Existing hedge to be removed
	Existing tree to be retained
	Existing tree to be removed

MATERIALS SCHEDULE		
Brick Type	Roof Tile	Door Colour
WR: Distock Leicester Weathered Multi Red	Russell Gromolen slate grey concrete plain tile or similar	(B4) black

REV	DESCRIPTION	DATE	INT


**Morris Homes (Group) Limited**  
 Morland House  
 Altrincham Road  
 Wilmslow  
 Cheshire SK9 5NW  
 Tel: (01625) 544 444  
 Fax: (0845) 833 1845

Job Title: **HAWESWATER CRESCENT, BURY.**

Dwp Title: **PLANNING LAYOUT**

date	drawn	checked	scale	dwg no	rev
08/08/14	RGE		1:500 @ A1	N272/P/PL02	

UU will only accept one adoptable road crossing point, and minimum private drive crossings. Requiring the aqueduct and easement located predominantly in front or back gardens as shown.

**Applicant:** Mr Paul Power

**Location:** Land at side of 3 Myrtle Grove, Radcliffe, Manchester, M45 7RR

**Proposal:** Erection of new detached house

**Application Ref:** 57950/Full

**Target Date:** 20/11/2014

**Recommendation:** Approve with Conditions

**It is recommended that this application is Minded to Approve subject to the signing and completion a Section 106 agreement for recreation provision in accordance with Policy RT2/2 of the adopted Unitary Development Plan and SPD1. Should the Section 106 not be signed and completed within a reasonable period, it is requested that the application be determined by the Development Manager.**

### **Description**

The application relates to the side garden area of No.3 Myrtle Grove, a two storey red brick, semi-detached dwellinghouse on the north side of the road. The site measures approximately 275sqm. The property on the other side is a detached bungalow with a detached single garage adjacent to the boundary with the site. Along the front boundary there is a dwarf brick wall with planting and a dropped kerb with a driveway on the side adjacent to No.5. Beyond the rear boundary, the banking drops away quite steeply and is covered by rough shrubs and trees. The land beyond the rear boundary is part of a Sailor's Brow and Springwater Park Site of Biological Importance (SBI). There are two storey brick built houses across Myrtle Grove.

The proposed new 4-bed two storey dwelling would sit centrally within the site and have a footprint 12m by 8.7m with small 'cut away' in the NE corner. The design of the house would be conventional with red brick elevations and a tiled hipped roof with a rendered central gabled element on the front. The ridge line (7.8m) and eaves (5.3m) would generally line up with the houses on either side. There would be a permeable driveway from Myrtle Grove running up to an integral garage with garden at the front. The existing dropped crossing would need to be widened, and an existing telephone pole moved, to accommodate the proposed vehicular access.

### **Relevant Planning History**

None relevant.

### **Publicity**

Twenty two neighbours at 1-9, 11, 13, 15 and houses named Hafod, Lathom, Cloughside and Springside on Myrtle Grove, 1 and 2 Clough Grove and 1, 1A and 3 Spring Grove were notified by letter dated 26/09/14. Objections have been received from 1, 5 and 9, Lathom and Hafod on Myrtle Grove and these are summarised below:

- The banking at the rear of the site would be at risk of slippage. The required piling would make matters worse and may cause damage to other properties.
- There are newts and bats in the area.
- Existing sewers in the immediate vicinity are in danger of collapsing and this would be made worse by HGVs involved in the building work.
- There is a telegraph pole in the way of the access so cars would have to park on the road.

Those neighbours that have made representations have been notified of the Planning Control Committee.

## **Consultations**

**Traffic Section** - No objections subject to conditions to be included in the Supplementary Report.

**Drainage Section** - No objection.

**Environmental Health** - No objection.

**Greater Manchester Ecology Unit** - Any comments will be reported in the Supplementary Report.

## **Unitary Development Plan and Policies**

EN1/2	Townscape and Built Design
EN1/5	Crime Prevention
EN5/1	New Development and Flood Risk
EN6/5	Sites of Geological Interest
EN7	Pollution Control
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
HT2/4	Car Parking and New Development
SPD11	Parking Standards in Bury
SPD1	Open Space, Sport and Recreation Provision
SPD16	Design and Layout of New Development 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.

**Policy** - Policy H1/2 relates to the principle of new residential development outside sites identified in the UDP and states that proposals within the urban area, where there is available infrastructure and land is suitable in terms of land use and amenity, will be acceptable. In terms of Policy H1/2, the proposal is within the urban area with available infrastructure and considered to be acceptable.

**Siting and design** - Policies H2/1, H2/2 relate to the form and layout of residential development. The proposed site is considered to be of sufficient size to accommodate the proposed house without appearing to constitute overdevelopment or be out of character within the locality.

In terms of siting, the dwelling would be generally in line with properties along this side of Myrtle Grove.

In terms of appearance, there is a mix of house styles and designs along the road. Whilst the property to the east side (No.5) is a bungalow, it is set away somewhat from the side boundary and the design and appearance of the proposed house reflects the general form of the two storey properties to the east and across the road. The proposal is considered to be appropriate and not out of character on the streetscene.

It is recommended that 'permitted development rights' are removed from the new dwelling given that the garden area at the rear is more limited due to the embankment and in order for the Local Planning Authority to retain control over any future development on the site so as to ensure it will not impact adversely on the character of the area.

The proposal is considered to be acceptable and complies with UDP Policies H2/1 and H2/2 with regard to its siting and design.

**Residential amenity** - There would be two windows on the west elevation of the new house - at ground floor an obscure secondary window and at first floor at bathroom window. On the east elevation there are no habitable room windows. As such there are no overlooking issues. There are windows in the side of No.3 Myrtle Grove but these are garage windows and first floor landing and bathroom. On the other side, the garage at No.5 would effectively block any views from windows. The site is not overlooked to the front or rear. The proposal is considered to be acceptable in terms of residential amenity and complies with UDP Policies H2/1 - The Form of Residential Development in this respect.

**Parking and Access** - The existing telephone pole on the footway next to the driveway would obstruct the proposed access and as such this would need to be moved at the applicant's expense. A condition attached to any approval would ensure this is done. Adopted guidance suggests a maximum of 2 spaces per house in new build development. As the proposal includes an integral garage and a 5m long driveway, it is considered that this would be adequate parking provision in this location. The proposal complies with UDP Policies H2/2, HT2/4 and SPD 11 relating to parking.

**Servicing** - The property would have walkways down either side with access to the rear. There would be sufficient space for bin storage at the rear of the garage, immediately adjacent to the garage and kitchen access.

**Contaminated Land** - A contaminated land desk top study was submitted with the application and there are no objections raised by Environmental Health subject to appropriate contaminated land conditions. The proposal is acceptable and complies with UDP Policy EN7 Pollution Control.

**Ecology** - Although there is an Site of Biological Interest to the north, the site itself is not within the SBI and, comprising the side lawn of No.3 Myrtle Grove, does have significant ecological value. Given the site's proximity to the SBI however, an impact statement from an ecologist has been requested. The findings and comments of the Greater Manchester Ecology Unit will be included in the Supplementary Report.

**Drainage and Flood Risk** - The site is not within a flood risk zone and if approved the house would be connected to the mains foul drains and a sustainable drainage system will be required for surface water and this will be secured by a condition should the proposal be approved.

**Recreation Provision** - The proposal, if approved, would mean that the applicant would be required to provide a commuted sum for off-site recreation provision through a S106 legal agreement as required by adopted guidance within SPD1 Open Space, Sport and Recreation Provision in New Housing Development.

**Objections** - Concerns with regard to the stability of the site and the danger to neighbouring properties posed by piling would be addressed by building regulations rather than at the planning stage. It is noted that the house diagonally across Myrtle Grove was piled without causing problems/damage to neighbouring properties. Potential damage to existing sewers is also not a valid reason to refuse the application.

The other issues relating to ecology and parking have been addressed in the above report.

**Statement in accordance with Article 31 Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2012**

The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirement in

Paragraphs 186-187 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 1/1, 1/2, 2/1 and 2/2 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 materials to be used in the external elevations and areas of hardstanding (manufacturer, type/colour, finish and size) shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced. Only the approved materials shall be used for the construction of the development.  
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.
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. 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 11 - 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 11 - Conserving and enhancing the natural environment.
6. Any soil or soil forming materials brought to site for use in garden areas, soft landscaping, filling and level raising shall be tested for contamination and suitability for use on site. Proposals for contamination testing including testing schedules, sampling frequencies and allowable contaminant concentrations (as determined by appropriate risk assessment) and source material information shall be submitted to and approved in writing by the Local Planning Authority prior to any soil or soil forming materials being brought onto site, and;

The approved contamination testing shall then be carried out and validity evidence (soil descriptions, laboratory certificates, photographs etc) 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 11 - Conserving and enhancing the natural environment.

7. All instances of contamination encountered during the development works which do not form part of an approved Remediation Strategy shall be reported to the Local Planning Authority (LPA) immediately and the following shall be carried out where appropriate:

- Any further investigation, risk assessment, remedial and / or protective works shall be carried out to agreed timescales and be approved by the LPA in writing;
- A Site Verification Report detailing the conclusions and actions taken at each stage of the works including validation works shall be submitted to, and approved in writing by, the LPA prior to the development being brought into use.

Reason. To secure the satisfactory development of the site in terms of human health and the wider environment and pursuant to National Planning Policy Framework Section 11 - Conserving and enhancing the natural environment.

8. Notwithstanding the terms of the Town and Country Planning (General Permitted Development) Order 1995, 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 prior written consent of the Local Planning Authority.

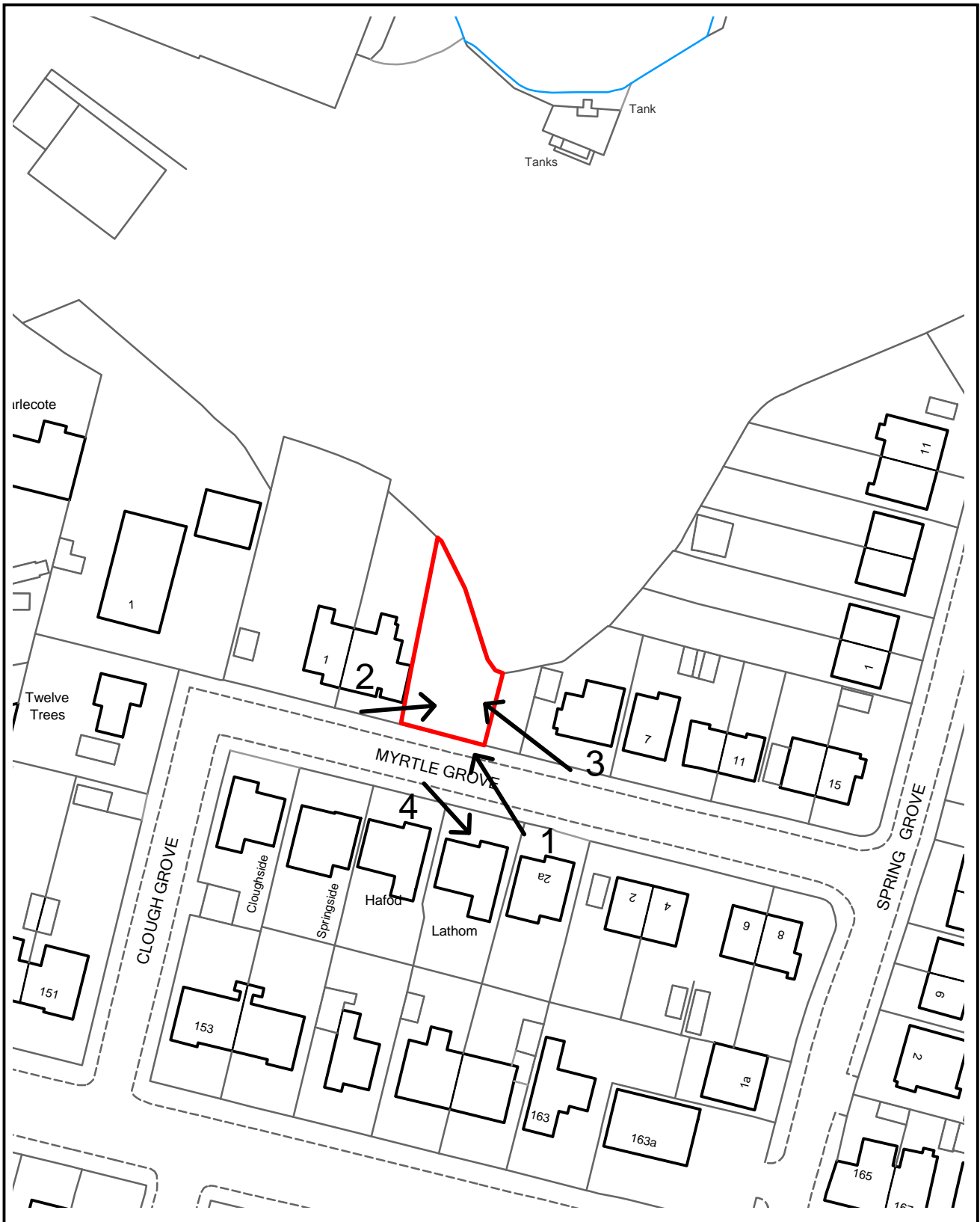
Reason. To ensure that future inappropriate alterations or extensions do not occur pursuant to policies of the Unitary Development Plan listed.

9. Development shall not commence until details of surface water drainage aspects have been submitted to and approved by the Local Planning Authority. This must include an assessment of the potential SuDS options for a surface water drainage scheme. The approved drainage scheme shall be implemented and thereafter maintained to the satisfaction of the Local Planning Authority.

Reason: To reduce the risk of local flooding and water pollution by ensuring the provision of a satisfactory means of surface water disposal pursuant to UDP Policy EN5/1 New Development and Flood Risk and EN7/5 Waste Water Management.

For further information on the application please contact **Tom Beirne** on **0161 253 536**

# Viewpoints



## PLANNING APPLICATION LOCATION PLAN

**APP. NO 57950**

**ADDRESS: Land At Side Of 3 Myrtle Grove  
Radcliffe**



**Planning, Environmental and Regulatory Services 1:1250**

**(C) Crown Copyright and database right (2013). Ordnance Survey 100023063.**

57950

Photo 1



Photo 2





57950

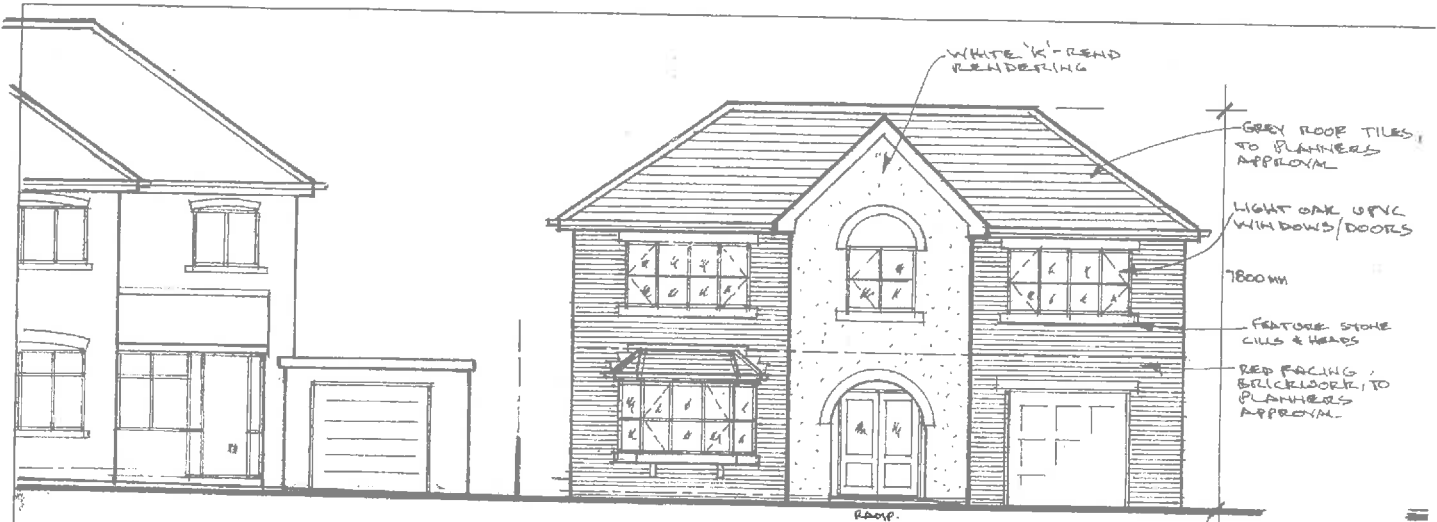
Photo 3



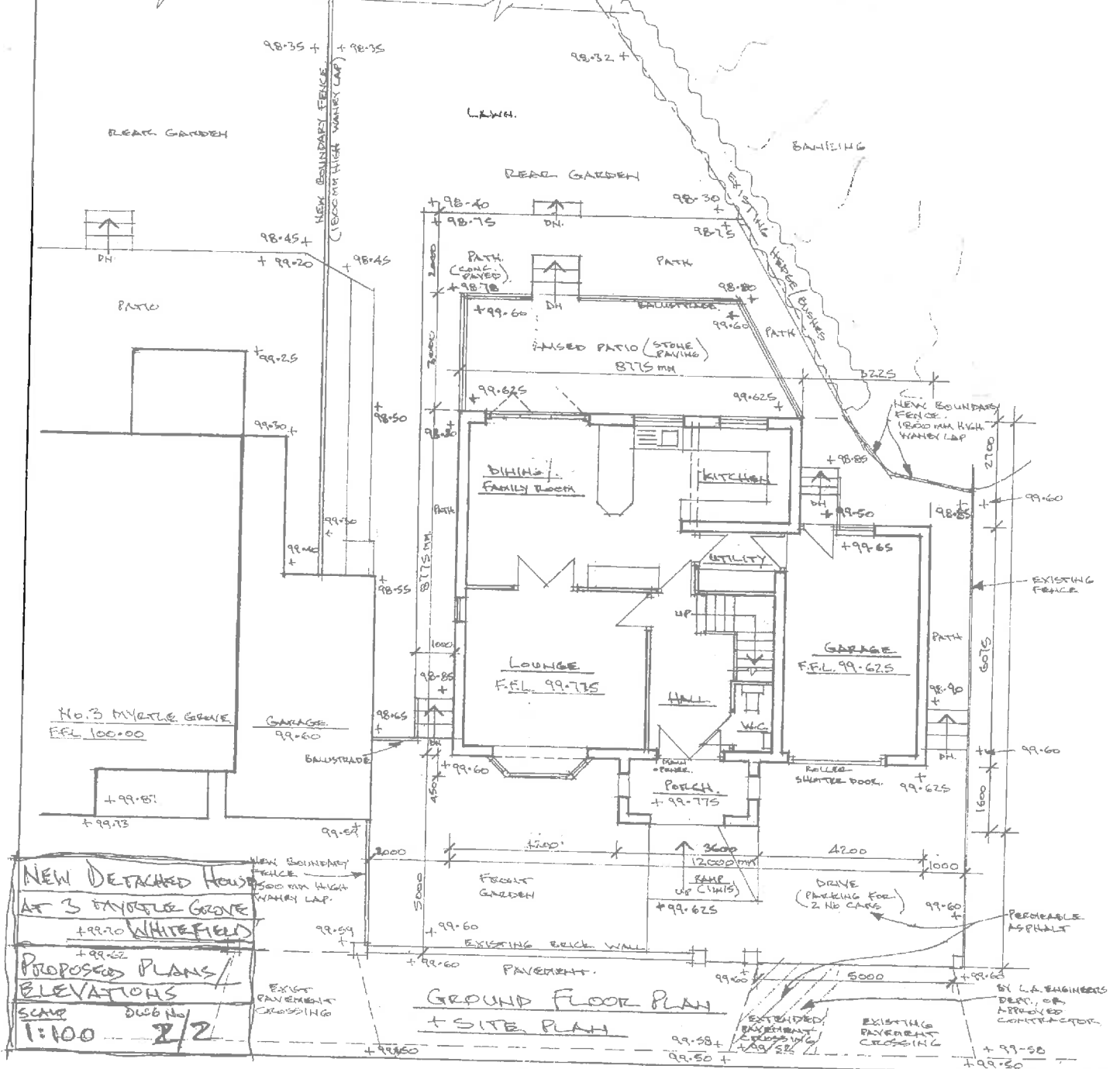
Photo 4

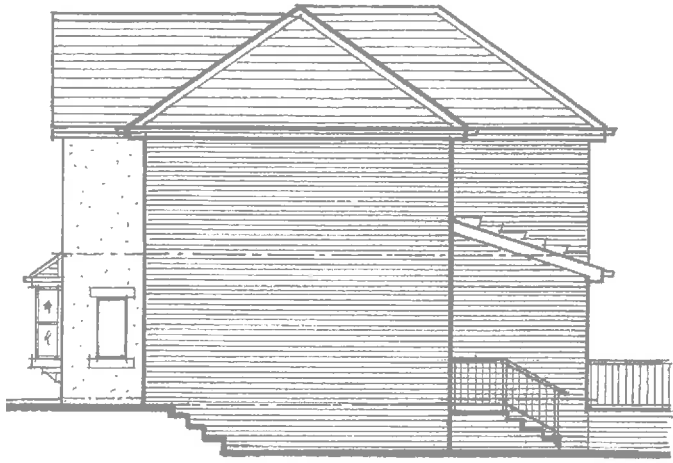






STREET SCENE + FRONT ELEVATION

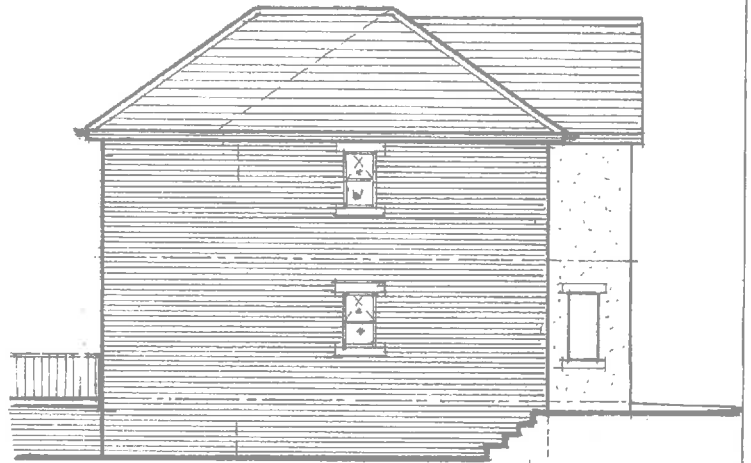




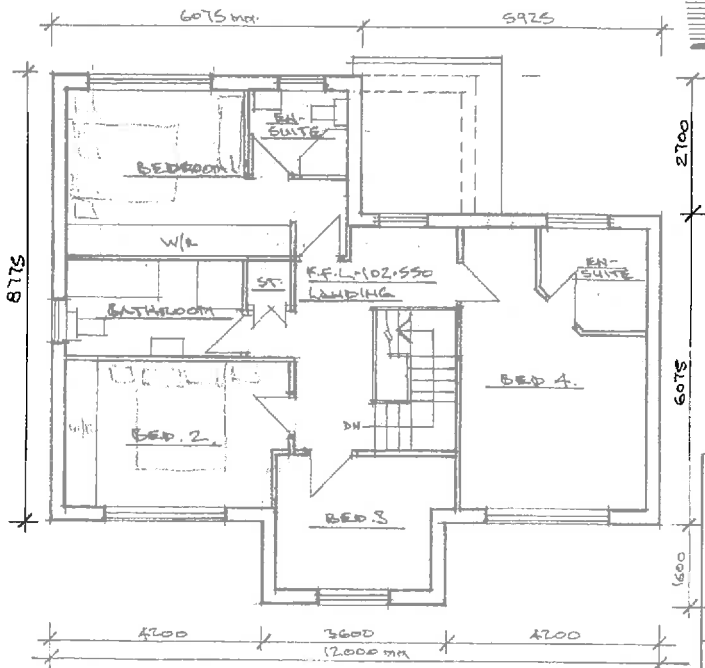
R.H. SIDE ELEVATION




LOOK OF BALUSTRADE IN FRONT. REAR ELEVATION



L.H. SIDE ELEVATION



FIRST FLOOR PLAN

Architectural & Building Services <b>NEIL BUTTERWORTH</b> Tel: Mobile: 07785 276483 89 Higher A insworth Road, Radcliffe, Manchester M26 4JJ			
			
Job Title <b>PROPOSED DETACHED HOUSE,          ON LAND AT SIDE OF          3 MYRTLE GROVE, WHITEFIELD,</b>			
Drawing Title <b>PLANS &amp; ELEVATIONS ( PROPOSED )</b>			
Scal: <b>1:100</b>	Date <b>JULY 14</b>	Drawn by <b>NB</b>	Drawing No. <b>2/1</b>