

DELEGATED REPORT

Report by Helen Pressley	Date of report: 06/09/2024	Ref: 70809/FUL
Registration: 10/06/2024	LDfC: 04/07/2024	Expiry Date: 09/09/2024
Site Visit: 01/09/2024	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MADW

Proposal: Variation of condition nos 15 & 22 following approval of planning permission 68691: Condition 15 (to construct the drainage through the offsite shared driveway) - to a connection to the combined sewer within the site
Condition 22 (to provide 14x affordable rent and 16x shared ownership) - to 14 Shared Ownership Units and 16 Affordable Rent

Location: Land off Victoria Avenue, Whitefield, Manchester, M45 6DP

Description

The application site is located to the north of Victoria Avenue. The site has been cleared of buildings and contains a hardstanding and numerous mature trees and vegetation. Access is from Victoria Avenue.

There are residential properties to the east, west and north and industrial buildings to the north east. There are residential properties to the south with an emergency access connecting Oxbow Way and Victoria Avenue. Whitefield Primary School is located to the south of the dwellings, with an access off Victoria Avenue.

The proposed development involves the erection of 30 dwellings on land to the north of Victoria Avenue. The proposed dwellings would be two storeys in height apart from the bungalows, which would be single storey and the proposed dwellings would be constructed from red brick with a tile roof. The proposed development would be accessed from Victoria Avenue.

A variation of condition application has been submitted to vary conditions 15 and 22 following approval of planning permission 68691.

- Condition 15 requires the applicant to construct the drainage through the offsite shared driveway. The application seeks to vary this to a connection to the combined sewer within the site.
- Condition 22 requires the applicant to provide 14x affordable rent and 16x shared ownership. The application seeks to vary this to 14 Shared Ownership Units and 16 Affordable Rent units.

Relevant Planning History

02674/E - Erection of 30 affordable homes (mixture of homes for rent and sale) - Enquiry completed 28/11/2022

62790 - Prior notification of proposed demolition of single storey former day community centre - Prior Approval Required and Granted 24/05/2018

68691 - Redevelopment and change of use of the site to provide 30 new residential dwellings along with associated works including landscaping and provision of access from Victoria Avenue, including highway works to Victoria Avenue. - Approve with Conditions 12/01/2023

Publicity

Letters sent to neighbouring properties on the 13th June 2024.

No representations received.

Statutory/Non-Statutory Consultations

Traffic Section - do not wish to restrict the granting of planning permission

Borough Engineer - Drainage Section - no response

United Utilities (Water and waste) - do not object to the condition being discharged *

* following this consultation response UU were contacted and it was clarified that the proposal was to vary the condition, not to discharge the condition. An identical response was received and as such it is assumed that UU do not object to the revised drainage scheme.

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

Development Plan and Policies

H1/2	Further Housing Development
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
H4/1	Affordable Housing
EN1/2	Townscape and Built Design
EN1/3	Landscaping Provision
JP-S4	Flood Risk and the Water Environment
JP-G8	A Net Enhancement of Biodiversity and Geodiversity
EN6/3	Features of Ecological Value
JP-P1	Sustainable Places
JP-S5	Clean Air
EN7/2	Noise Pollution
EN7/5	Waste Water Management
JP-G7	Trees and Woodland
RT2/1	Provision of New Recreation Sites
HT2/4	Car Parking and New Development
JP-C8	Transport Requirements of New Development
HT5/1	Access For Those with Special Needs
JP-C5	Streets For All
JP-C6	Walking and Cycling
SPD1	Open Space, Sport and Recreation Provision
SPD5	DC Policy Guidance Note 5: Affordable Housing
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), the adopted Places for Everyone Joint Development Plan Document (PfE) and the saved policies within 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 and PfE Policies will be referred to in the report, unless there is a particular matter to highlight arising from the NPPF where it would otherwise be specifically mentioned.

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

The elimination of discrimination, harassment and victimisation;

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

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

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

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

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

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

The Crime and Disorder Act 1998 imposes (without prejudice to any other obligation imposed on it) a duty upon the Council to exercise its functions and have due regard to the likely effect of the exercise of its functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area. In so doing and on making planning decisions under the Town and Country Planning Acts, the material Planning considerations shall have due regard to the provisions of the Crime and Disorder Act 1998 and its implications in the exercise of its functions.

Drainage

Policies JP-S4, EN7/3 and EN7/5 seek to protect the water courses and other water features within the Borough, and limit surface water pollution.

The proposal seeks to amend the proposed drainage layout. The amended scheme has come forward after the applicant found that it was not possible to construct the drainage through the shared driveway as proposed under application 68691. The applicant sought the advice of the Local Lead Flood Authority (LLFA) and UU prior to submission of the application and the proposal now seeks to allow a connection to the combined sewer within the site.

United Utilities have not raised any objections to the amended plan and it is therefore considered that the proposed amended condition is acceptable and would comply with the policies set out above.

Affordable Housing

A revised Affordable Housing Statement has been submitted and summarises

- 14 Shared Ownership Units
- 16 Affordable Rent

As part of the acquisition of the site from Bury Council, this was previously agreed but incorrectly reported in the approved affordable housing statement as 14 affordable rent and 16 shared ownerships.

The Unit Manager - Housing Strategy, Policy & Performance has been listed with as part of the application and has confirmed that it was agreed that the applicant would provide 16 affordable rent (capped at the Local Housing Allowance) and 14 shared ownership properties.

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 and Reasons:

- 1 The development must be begun not later than 12th January 2026.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
- 2 This decision relates to drawings numbered 21059-PJA-00-ZZ-DR-A-0001-C, 21059-PJA-00-ZZ-DR-A-1000-O, 21059-PJA-00-ZZ-DR-A-1001-E, 21059-PJA-A1-ZZ-DR-A-1100-A, 21059-PJA-B1-ZZ-DR-A-1101-A, 21059-PJA-C1-ZZ-DR-A-1102-A, 21059-PJA-A2-ZZ-DR-A-1103-A, 21059-PJA-A3-ZZ-DR-A-1104-A, 21059-PJA-A4-ZZ-DR-A-1105, 21059-PJA-A5-ZZ-DR-A-1106, 21059-PJA-00-ZZ-DR-A-2000, 21059-PJA-A1-ZZ-DR-A-2100-A, 21059-PJA-B1-ZZ-DR-A-2101-A, 21059-PJA-C1-ZZ-DR-A-2102-A, 21059-PJA-A2-ZZ-DR-A-2103-A, 21059-PJA-A3-ZZ-DR-A-2104, 21059-PJA-A4-ZZ-DR-A-2105, 21059-PJA-A5-ZZ-DR-A-2106, 31990-SUT-ZZ-XX-DR-C-6500 P02, 31990-SUT-ZZ-XX-DR-C-6150 P02, 31990-SUT-ZZ-XX-DR-C-6200 P07, 31990-SUT-ZZ-XX-DR-C-6354 P02, 31990-SUT-ZZ-XX-DR-C-6550 P07 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 Development Plan listed.
- 3 Only the approved materials/bricks, approved under condition 3 of application 68691 shall be used for the construction of the development.
Reason. No material samples have been submitted and are required in the interests of visual amenity and to ensure a satisfactory development pursuant to UDP Policy EN1/2 - Townscape and Built Design.
- 4 The development hereby approved shall be carried out in accordance with the detailed Remediation Strategy approved under condition 4 of application 68691.
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 15 - Conserving and enhancing the natural environment.

- 5 Following the provisions of Condition 4 of this planning permission, where remediation is required, the approved Remediation Strategy must be carried out to the satisfaction of the Local Planning Authority within agreed timescales; and A Site Verification Report detailing the actions taken and conclusions at each stage of the remediation works, including substantiating evidence, shall be submitted to and approved in writing by the Local Planning Authority prior to the development being brought into use.
Reason. To secure the satisfactory development of the site in terms of human health, controlled waters and the wider environment and pursuant to National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.
- 6 If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.
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 15 - Conserving and enhancing the natural environment.
- 7 The proposed development shall be carried out in accordance with the recommendations from the bat survey, dated 14 November 2022.
Reason. In order to ensure that no harm is caused to a Protected Species pursuant to policies JP-G8: A Net Enhancement of Biodiversity and Geodiversity and EN6/3 – Features of Ecological Value of the Development Plan and Section 11 of the National Planning Policy Framework.
- 8 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.
Reason. In order to ensure that no harm is caused to a Protected Species pursuant to policies JP-G8: A Net Enhancement of Biodiversity and Geodiversity and EN6/3 – Features of Ecological Value of the Development Plan and Section 11 of the National Planning Policy Framework.
- 9 The reasonable avoidance measures method statement to protect mammals such as hedgehog and amphibians during site clearance and construction approved under condition 9 of application 68691 shall be adhered to during construction
Reason. In order to ensure that no harm is caused to a Protected Species pursuant to policies JP-G8: A Net Enhancement of Biodiversity and Geodiversity and EN6/3 – Features of Ecological Value of the Development Plan and Section 11 of the National Planning Policy Framework.
- 10 The development hereby approved shall be carried out in accordance with the scheme for the eradication and/or control of Japanese Knotweed (*Fallonia Japonica*, *Rouse Decraene*, *Polygonum Cuspidatum*) and Himalayan Balsam (*Impatiens Glandulifera*) approved under condition 10 of application 68691. 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 or the date of development commencing, a further site survey must be undertaken and submitted to the Local Planning Authority.
Reason. To ensure that the eradication and/or control Japanese Knotweed and Himalayan Balsam is suitably managed in the interest of Development Plan Policy JP-G1: Landscape Character and pursuant to National Planning Policy Framework

Section 15 - Conserving and enhancing the natural environment.

- 11 The landscaping scheme, including the bird boxes, bat boxes, bee bricks and hedgehog highways 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 and National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.
- 12 All reasonably practicable measures shall be adopted to ensure that dust emissions from the site and access roads are kept to a minimum and any dust nuisance abated forthwith.
Reason. To protect the amenities of occupiers of nearby properties pursuant to Policy JP-S5: Clean Air of the Development Plan.
- 13 The contractor shall ensure that all vehicles, plant and machinery used during the operations are fitted with effective exhaust silencers and that all parts of such vehicles, plant or machinery are maintained in good repair and in accordance with the manufacturer's instructions and are so operated as to minimise noise emissions.

Only "sound reduced" compressors shall be used and any equipment or panel fitted by the manufacturer for the purpose of the reduction of noise shall be maintained and operated so as to minimise noise. Any pneumatically operated percussive tools shall be kept in good repair: damped steels shall be used wherever practicable.

The engines of motors or machines which will be out of use for a period exceeding 15 minutes shall be turned off.
Reason. To protect the amenities of occupiers of nearby properties pursuant to Policy EN7/2 - Noise Pollution of the Bury Unitary Development Plan.
- 14 The development shall be carried out in accordance with the approved Noise and Vibration Report details approved under condition 14 of application 68691.
Reason. To protect the amenities of occupiers of nearby properties pursuant to Policy EN7/2 - Noise Pollution of the Bury Unitary Development Plan.
- 15 The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted Foul & Surface Water Drainage Design Drawing 31990-SUT-ZZ-XX-DR-C-6200 P07- Dated Oct 2022 which was prepared by Sutcliffe. For the avoidance of doubt surface water must drain at the restricted rate of 6.4l/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.
Reason. To promote sustainable development and reduce flood risk pursuant to Development Plan Policies JP-S4: Flood Risk and the Water Environment 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.
- 16 Notwithstanding the details indicated on the approved plans, no development shall commence on the adopted highway that affects the existing turning facilities at the cul-de-sac end of Victoria Avenue unless and until the replacement, adoptable

turning facilities within the curtilage of the site have been implemented and made available for public use.

Reason. To secure the satisfactory development of the site in terms of highway safety, ensure good highway design and maintain the integrity of the adopted highway, all in the interests of highway safety pursuant to Development Plan Policies EN1/2 - Townscape and Built Design, H2/2 - The Layout of New Residential Development, JP-C5 - Streets for All and JP-C6 - Walking and Cycling.

- 17 Notwithstanding the details indicated on the approved plans, no development shall commence unless and until full details of the following have been submitted on a topographical based survey of the site and adjacent adopted highways to the Local Planning Authority:

- Formation of the site access onto Victoria Avenue and proposed estate road, incorporating the provision of adequate arrangements at the interface with the adjacent emergency access onto Oxbow Way to a scope and specification to be agreed with the Highway Authority and Greater Manchester Fire and Rescue Service, demarcation of the adopted highway and all associated highway and highway drainage remedial works;
- Provision of all off site alterations to form the new bend in Victoria Avenue/proposed site access;
- Provision of on/off highway replacement parking facilities for the adjacent affected residents with 5.0m long hardstandings measured from the new estate road along with the retention of an access to the driveway serving No. 37 Victoria Avenue;
- Works to tie into/regularise the adjacent school entrance/back street access points located in the vicinity of the proposed bend;
- Measures to prevent the discharge of surface water from all proposed hardstandings onto the future adopted highway;
- Revised arrangements at the junction of the retained access serving No.'s 34/36 Victoria Avenue with the proposed estate road;
- Provision of tactile paved crossing points in positions to be agreed;
- A scheme of 20mph traffic calming measures on the proposed residential estate road from the junction with Victoria Avenue to a scope and specification to be agreed including details of proposed materials, road markings and signage as required.
- In association with the above, all alterations to existing/provision of new road markings to a scope to be agreed;
- Provision of a street lighting assessment to a scope and specification to be agreed (and, where necessary, a scheme of improvements) for Victoria Avenue from the Oxford Avenue/Alexandra Avenue junction to the site access and the proposed residential estate road;
- Proposals for the introduction of waiting restrictions to scope to be agreed at the junction of the site access with Victoria Avenue and at the proposed traffic calming feature/narrowing, including all necessary road markings and signage;

The details subsequently approved shall be implemented to an agreed programme and to the written satisfaction of the Local Planning Authority.

Reason. To secure the satisfactory development of the site in terms of highway safety, ensure good highway design and maintain the integrity of the adopted highway, all in the interests of highway safety pursuant to Development Plan Policies EN1/2 - Townscape and Built Design, H2/2 - The Layout of New Residential Development, JP-C5 - Streets for All and JP-C6 - Walking and Cycling.

- 18 The development shall be carried out in accordance with the 'Construction Traffic Management Plan' (CTMP) approved under condition 18 of application 68691.

Reason. Information not submitted at application stage. To mitigate the impact of the construction traffic generated by the proposed development on the adjacent residential streets, and ensure adequate off street car parking provision and

materials storage arrangements for the duration of the construction period and that the adopted highways are kept free of deposited material from the ground works operations, in the interests of highway safety pursuant to Development Plan Policies EN1/2 - Townscape and Built Design, H2/2 - The Layout of New Residential Development, JP-C5 - Streets for All and JP-C6 - Walking and Cycling.

- 19 The turning facility indicated on the approved plans shall be provided before the development is first occupied/works on the existing adopted highway are commenced and the areas used for the manoeuvring of vehicles shall subsequently be maintained free of obstruction at all times.
Reason. To minimise the standing and turning movements of vehicles on the highway in the interests of road safety pursuant to Development Plan Policies EN1/2 - Townscape and Built Design, H2/2 - The Layout of New Residential Development, JP-C5 - Streets for All and JP-C6 - Walking and Cycling.
- 20 Minimum hardstandings lengths of 5.0m (10.0m when in tandem), measured from the highway boundary, shall be provided at all dwellings and thereafter maintained
Reason. To enable a vehicle to stand clear of the highway whilst the garage doors are opened and to allow adequate space to maintain a vehicle clear of the highway in the interests of road safety pursuant to Development Plan Policies EN1/2 - Townscape and Built Design, H2/2 - The Layout of New Residential Development, JP-C5 - Streets for All and JP-C6 - Walking and Cycling.
- 21 Bin storage arrangements shall be provided within the curtilage of each dwelling in accordance with Waste Management's 'Guide to Refuse Collection Requirements & Storage Methods for New Developments'.
Reason. To ensure that adequate bin storage arrangements are provided within the curtilage of each dwelling pursuant to Development Plan Policies EN1/2 - Townscape and Built Design, H2/2 - The Layout of New Residential Development, JP-C5 - Streets for All and JP-C6 - Walking and Cycling.
- 22 The development hereby approved shall only be developed by or on behalf of the applicant as units to be sold as shared ownership units or as general needs rent affordable housing. The affordable housing provision shall be provided in accordance with the approved Affordable Housing Statement, August 2022, received on 31st May 2024.
Reason. The proposed development has been granted given the particular circumstances of the applicant following a funding package from the Homes England which provides an opportunity to promote increased affordable housing, but as a result a recreational contribution pursuant to Supplementary Planning Document 1 (Open Space, Sport and Recreation Provision in New Housing Development) will not be provided. This condition is thereby to ensure that in order to make the development acceptable in planning terms, as a result of not making a recreational contribution the whole development shall instead contribute to satisfying the need for affordable housing provision.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
06/09/2024			