

NOTICE OF REFUSAL OF PLANNING PERMISSION

Town and Country Planning Act 1990 Town and Country Planning (Development Management Procedure) (England) Order 2015

To:

Zoe Reynolds
Eden Planning & Development
1 Market Street
Altrincham
WA14 1QE

On Behalf Of:

Sterling Property Co Ltd
c/o agent

PART 1 - Particulars of Application

Application Number: 70021

Date of Registration: 10/10/2023

Proposal:

Demolition of existing dwelling and erection of a replacement dwelling and four no. dwellings together with car parking, landscaping and associated works.

Location:

2 Cliff Avenue, Summerseat, Ramsbottom, Bury, BL9 5NT

PART 2 - Particulars of Decision

The Bury Metropolitan Borough Council hereby give notice in pursuance of the provisions of the Town and Country Planning Act 1990 that permission has been **REFUSED** for the carrying out of the development referred to in Part 1 hereof for the following reasons:-

- 1 The proposed development would represent a significant intensification of the site by way of the scale of development for 4 dwellings and the massing and form of those dwellings and would be inappropriate in consideration of the character of the area and is therefore considered to be over-development of the site. The proposed development would therefore conflict with the following policies of the Bury Unitary Development Plan: H2/1 - The Form of New Residential Development, H2/6 - Garden and Backland Development, OL1/3 - Infilling in Existing Villages in the Green Belt, EN1/1 - Visual Amenity, EN9/1 - Special Landscape Area, the principles of the NPPF and the emerging policies of Places for Everyone (policies JP-G10: The Green Belt and JP-G1 - Landscape Character).
- 2 The proposed development, by reason of the design and appearance of the detached dwelling and height, design and appearance of the 4 no dwellings would result in over-bearing, disproportionate and discordant additions which would be out of character and seriously detrimental to the surrounding area. The proposed development therefore conflicts with the following policies of the Bury Unitary Development Plan: H2/1 - The Form of New Residential Development, H2/6 - Garden and Backland Development, OL1/3 - Infilling in Existing Villages in the Green Belt, EN1/1 - Visual Amenity, EN9/1 - Special Landscape Area and the principles of the NPPF.
- 3 The proposal would result in the creation of sub-standard access and parking

arrangements including visitor parking spaces and a proliferation of accesses in a hazardous location on Cliff Avenue, which is highly likely to lead to the carrying out of manoeuvres and subsequent conflicts on the adopted highway to the detriment of the free flow of traffic and road safety, and would be detrimental to pedestrian safety due to the overly long footway crossing proposed to be created. The proposed development would therefore be contrary to Bury Unitary development Plan Policies H2/2 - The Layout of New Residential Development, H2/6 - Garden and Backland Development, HT2/4 - Car Parking and New Development and HT6/2 - Pedestrian/Vehicular Conflict.

- 4 The application and submitted plans contain insufficient information to assess whether adequate visibility can be provided at the junctions with Cliff Avenue and at the back edge of the footway in accordance with the standards in Manual for Streets. The proposed development would therefore be contrary to Bury Unitary development Plan Policies H2/2 - The Layout of New Residential Development, H2/6 - Garden and Backland Development, HT2/4 - Car Parking and New Development and HT6/2 - Pedestrian/Vehicular Conflict.
- 5 The application and submitted plans contain insufficient information to assess the physical impact of the proposed development on the adopted highway in relation to measures to prevent the discharge of surface water onto the adopted highway. The proposed development would therefore be contrary to Bury Unitary Development Plan Policies H2/2 - The Layout of New Residential Development, H2/6 - Garden and Backland Development and EN5/1 - New Development and Flood Risk.
- 6 The application and submitted plans contain insufficient and adequate survey information to determine the impacts of the proposed development on bat roosting potential of the site in line with UK Government Guidance within the ODPM Government Circular 06/2005. The proposed development would therefore be contrary to Bury Unitary Development Plan Policy EN6/3 - Features of Ecological Value and the principles of chapter 16 of the NPPF - Conserving and Enhancing the Natural Environment.

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

The proposal would not improve the economic, social and environmental conditions of the area nor does it comply with the development plan and therefore does not comprise sustainable development. There were no amendments to the scheme, or conditions which could reasonably have been imposed, which could have made the development acceptable and it was therefore not possible to approve the application. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

The following policies of the Bury Unitary Development Plan, National and Regional Government were considered relevant:

NPPF	National Planning Policy Framework
H1/2	H1/2 - Further Housing Development
H2/1	H2/1 - The Form of New Residential Development
H2/2	H2/2 - The Layout of New Residential Development
EN1/1	EN1/1 - Visual Amenity
EN1/2	EN1/2 - Townscape and Built Design
EN1/3	EN1/3 - Landscaping Provision
EN5/1	EN5/1 - New Development and Flood Risk
EN6	EN6 - Conservation of the Natural Environment
EN6/3	EN6/3 - Features of Ecological Value

HT2/4	HT2/4 - Car Parking and New Development
HT6/2	HT6/2 - Pedestrian/Vehicular Conflict
EN9/1	EN9/1 - Special Landscape Areas
OL1	OL1 - Green Belt
OL1/2	OL1/2 - New Buildings in the Green Belt
OL5/2	OL5/2 - Development in River Valleys
SPD8	Development Control Policy Guidance Note 8 - New Buildings and Associated Development in the Green Belt
SPD11	Development Control Policy Guidance Note 11 - Parking Standards in Bury

This decision relates only to the Town and Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.

Applicant Plan Numbers:

Project - BCA-KMA-XX-XX-DR-A-

Location plan 7000 P1; Existing block plan 7001 P2; Proposed block plan 7003 P2; Proposed site plan 7003 P2; Existing and proposed streetscene 7004 P1; Existing and proposed site section A-A 7005 P1; Proposed floor plans 7006 P1; Proposed House Type A - Elevations 7007 P1; Proposed House Type B - proposed floor plans 7008 P1; Existing block plan 7010 P1; Proposed block plan 7011 P1.

NOTES TO APPLICANT

Please note, United Utilities is not responsible for advising on rates of discharge to the local watercourse system. This is a matter for discussion with the Lead Local Flood Authority and / or the Environment Agency (if the watercourse is classified as a main river).

To discuss their drainage proposals the applicant should contact our Developer Services team by email at SewerAdoptions@uuplc.co.uk. Alternative ways to contact the team are detailed in the Appendix, Section 4.0 'Contacts'.

Management and maintenance of Sustainable Drainage Systems (SuDS)
Without effective management and maintenance SuDS can fail or become ineffective which may have a detrimental impact on the surrounding area. There is also a risk ineffective SuDS could impact the performance of the public sewer network where the two systems interact. Therefore, when SuDS is included in a proposed development, we recommend the Local Authority include a condition relating to SuDS management and maintenance in any subsequent Decision Notice. We provide an example condition below that may be suitable in many circumstances.

Please note United Utilities cannot provide comment on an asset that is owned by a third party management and maintenance company. Therefore, whilst we recommend the inclusion of a management and maintenance condition, United Utilities would not be involved in its discharge.

Prior to occupation of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the local planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:

- (i) Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and
- (ii) Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall subsequently be completed, maintained and managed in

accordance with the approved plan.

Reason: To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development.

UNITED UTILITIES' PROPERTY, ASSETS AND INFRASTRUCTURE

It is the applicant's responsibility to investigate the existence of any pipelines that might cross or impact their proposed site and also to demonstrate the exact relationship between United Utilities' assets and the proposed development. The applicant should not rely solely on the detail contained within asset maps when considering a proposed layout.

It is important that the supporting information contained in the Appendix, Section 2.0 'United Utilities' Property, Assets and Infrastructure', is read in conjunction with this letter. This provides information that might impact a proposed layout and additional guidance that an applicant or developer must consider when United Utilities assets are located in, or in the locality of, the proposed site.

Where United Utilities' assets exist, it is essential that the applicant, or any subsequent developer, contacts our Developer Services team prior to commencing any works on site, including trial holes, groundworks or demolition. See Appendix, Section 4.0 'Contacts'

Public sewer

A public sewer crosses the site and we will not permit building over it. We require an access strip for maintenance or replacement and this access must not be compromised in any way.

The minimum distances that might be acceptable to United Utilities are detailed within Part H of the Building Regulations however, we recommend the applicant determines the precise location, size, depth and condition of the pipeline as this is likely to influence the required stand-off distance from any structure.

Based on the information currently available, it is unclear whether sufficient distance is provided between proposed development features and our wastewater asset(s).

We recommend the applicant contacts our Developer Services team to ensure existing wastewater assets, along with our required access widths, can be accommodated in the proposed layout. If the applicant fails to investigate and resolve any concerns prior to a positive determination, there is a risk that as the scheme progresses, the applicant, or any subsequent developer, may discover that their plans are not implementable in their existing form or that diversion of assets is required. If the Local Authority requires any additional comment on the acceptability of the proposed layout from United Utilities, we will require a detailed site layout plan, which overlays the PROVEN location of the wastewater asset(s) in relation to any proposed development (including walls, fencing, parking etc.).

Supporting information for the decision maker, applicant, developers and any other interested party

Whilst we provide the following information to support the design and delivery of the proposed scheme, we strongly recommend that the applicant, or any subsequent developer, contacts our Developer Services team at the earliest opportunity, using our free pre-development enquiry service, to ensure they have fully considered all aspects of development and to avoid any potential issues or unexpected costs at a later date.

Full details of the services offered to developers, guidance and application forms are available on our website: www.unitedutilities.com/builders-developers/

1.0 DRAINAGE DESIGN

1.1 The importance of sustainable drainage systems

We strongly encourage all developments to include sustainable drainage systems to help manage surface water and to offer new opportunities for wildlife to flourish. We request that Local Planning Authorities and applicants do all they can to avoid surface water entering the public sewer. The flows that come from this surface water are very large when compared with the foul water that comes from toilets, showers, baths, washing machines, etc. It is the surface water that uses up a lot of capacity in our sewers and results in the unnecessary pumping and treatment of surface water at our pumping stations and treatment works. If new developments can manage flows through sustainable drainage systems that discharge to an alternative to the public sewer, it will help to minimise the likelihood of sewers spilling into watercourses and the flooding of homes and businesses.

1.2 Adoption and construction of drainage systems

If the applicant intends to offer wastewater assets forward for adoption by United Utilities, their proposed detailed design will be subject to a technical appraisal by our Developer Services team and must meet the requirements outlined in 'Sewerage Sector Guidance Appendix C – Design and Construction Guidance v2-2' dated 29 June 2022 or any subsequent iteration. This is important as drainage design can be a key determining factor of site levels and layout.

If the proposal incorporates a SuDS component(s) which interacts with a sewer network that may be offered for adoption by United Utilities we recommend the applicant seeks further advice regarding the SuDS design; detailed information is available on our website.

Our acceptance of any drainage strategy submitted by an applicant to the Local Planning Authority for approval does not infer that a detailed drainage design will meet the requirements for a successful adoption application. We strongly recommend that no construction commences until the detailed drainage design has been submitted directly to United Utilities, assessed and accepted in writing. Any work carried out prior to the technical assessment being approved is done entirely at the developer's own risk and could be subject to change.

2.0 UNITED UTILITIES' PROPERTY, ASSETS AND INFRASTRUCTURE

2.1 Water pipelines

United Utilities will not allow building over or in close proximity to a water main.

For any works in the vicinity of water pipelines, the applicant must comply with our 'Standard Conditions for Works Adjacent to Pipelines', which can be found on our website:

<https://www.unitedutilities.com/builders-developers/your-development/planning/building-over-or-working-near-our-assets/working-near-our-pipes/>

2.2 Wastewater pipelines

United Utilities will not allow a new building to be erected over or in close proximity to a public sewer or any other wastewater pipeline. This will only be reviewed in exceptional circumstances.

Nb. Proposals to extend domestic properties either above, or in close proximity to a public sewer will be reviewed on a case by case basis by either by a building control professional or following a direct application to United Utilities (see our website for further details).

2.3 Water and wastewater pipelines and apparatus

A number of providers offer a paid for mapping service, including United Utilities (see Section 4.0 'Contacts' (below). The position of the underground apparatus shown on water and wastewater asset maps is approximate only and is given in accordance with the best information currently available. Therefore, we strongly recommend the applicant, or any future developer, does not rely solely on the asset maps to inform

decisions relating to the detail of their site and instead investigates the precise location of any underground pipelines and apparatus. Where additional information is requested to enable an assessment of the proximity of proposed development features to United Utilities assets, the proven location of pipelines should be confirmed by site survey; an extract of asset maps will not suffice. The applicant should seek advice from our Developer Services team on this matter. See Section 4.0. 'Contacts' (below). United Utilities Water will not accept liability for any loss or damage caused by the actual position of our assets and infrastructure being different from those shown on asset maps.

Developer's should investigate the existence and the precise location of water and wastewater pipelines as soon as possible as this could significantly impact the preferred site layout and/or diversion of the asset(s) may be required. Unless there is specific provision within the title of the property or an associated easement, any necessary disconnection or diversion of assets to accommodate development, will be at the applicant/developer's expense. In some circumstances, usually related to the size and nature of the assets impacted by proposals, developers may discover the cost of diversion is prohibitive in the context of their development scheme.

Any agreement to divert our underground assets will be subject to a diversion application, made directly to United Utilities. This is a separate matter to the determination of a planning application. We will not guarantee, or infer acceptance of, a proposed diversion through the planning process (where diversion is indicated on submitted plans). In the event that an application to divert or abandon underground assets is submitted to United Utilities and subsequently rejected (either before or after the determination of a planning application), applicants should be aware that they may need to amend their proposed layout to accommodate United Utilities' assets.

Where United Utilities' assets exist, the level of cover to United Utilities pipelines and apparatus must not be compromised either during or after construction and there should be no additional load bearing capacity on pipelines without prior agreement from United Utilities. This would include sustainable drainage features, earth movement and the transport and position of construction equipment and vehicles.

Any construction activities in the vicinity of United Utilities' assets, including any assets or infrastructure that may be located outside the applicant's red line boundary, must comply with national building and construction standards and where applicable, our 'Standard Conditions for Works Adjacent to Pipelines', which can be found on our website:

<https://www.unitedutilities.com/builders-developers/your-development/planning/building-over-or-working-near-our-assets/working-near-our-pipes/>.

The applicant, and/or any subsequent developer should note that our 'Standard Conditions' guidance applies to any design and construction activities in close proximity to water pipelines and apparatus that are no longer in service, as well as pipelines and apparatus that are currently in operation.

It is the applicant's responsibility to ensure that United Utilities' required access is provided within any proposed layout and that our infrastructure is appropriately protected. The developer would be liable for the cost of any damage to United Utilities' assets resulting from their activity.

3.0 WATER AND WASTEWATER SERVICES, METERING AND CHARGES

If the applicant intends to receive water and/or wastewater services from United Utilities they should visit our website or contact the Developer Services team for advice at the earliest opportunity. This includes seeking confirmation of the required metering arrangements for the proposed development. See Section 4.0 'Contacts' (below).

If the proposed development site benefits from existing water and wastewater connections, the applicant should not assume that the connection(s) will be suitable for the new proposal or that any existing metering arrangements will suffice. In addition, if reinforcement of the water network is required to meet potential demand, this could be a significant project and the design and construction period should be accounted for.

In some circumstances we may require a compulsory meter is fitted. For detailed guidance on whether the development will require a compulsory meter please visit <https://www.unitedutilities.com/my-account/your-bill/our-household-charges-20232024/> and go to Section 7.7 for compulsory metering.

To promote sustainable development United Utilities offers a reduction in infrastructure charges to applicant's delivering water efficient homes and draining surface water sustainably (criteria applies). For further information, we strongly recommend the applicant visits our website when considering any water or wastewater design <https://www.unitedutilities.com/builders-developers/your-development/planning/building-sustainable-homes/>

Business customers can find additional information on our sustainable drainage incentive scheme at

<https://www.unitedutilities.com/Business-services/retailers/incentive-schemes/>

To avoid any unnecessary costs and delays being incurred by the applicant or any subsequent developer, we strongly recommend the applicant seeks advice regarding water and wastewater services and metering arrangements, at the earliest opportunity. See Section 4.0 'Contacts' (below).

4.0 CONTACTS

For advice on your development contact our DEVELOPER SERVICES team as follows:

Website (including 'Live Chat'):

<http://www.unitedutilities.com/builders-developers.aspx>

Email:

WATER (water mains, supply and metering): DeveloperServicesWater@uuplc.co.uk

WASTEWATER (public sewers and drainage): SewerAdoptions@uuplc.co.uk

Telephone (Monday-Friday, 8am-6pm): 0345 072 6067

PROPERTY SEARCHES (FOR ASSET MAPS):

A number of providers offer a paid for mapping service including United Utilities. For more information, or to purchase a sewer and water plan from United Utilities, please visit <https://www.unitedutilities.com/property-searches/>

Water and sewer records can be viewed for free at our Warrington Head Office by calling 0370 751 0101. Appointments must be made in advance. Public sewer records can be viewed at local authority offices. Arrangements should be made directly with the local authority.

UNITED UTILITIES LEGAL SERVICES (FOR EASEMENT DOCUMENTS):

Copies of relevant deeds may be purchased from United Utilities Legal Services. This information is also available from Land Registry.

To purchase a copy of easement documents from United Utilities, please email: LegalServices@uuplc.co.uk

Signed:

A handwritten signature in black ink, appearing to read 'P. H. H.', is positioned in the upper left corner of the page.

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On behalf of the Council

Date of Decision: 29/11/2023