

S73 Application: Supporting Statement

Application under Section 73 of the Town and Country Planning Act (1990) (as amended) to vary conditions 2 and 15 of planning permission reference 70015

Kemp Heaton Avenue, Bury

15th January 2025

Planning Portal Reference: PP-13678321

Hive Land & Planning are submitting this application on behalf of Great Places under Section 73 of the Town and Country Planning Act 1990 (as amended) relating to Land at Kemp Heaton Avenue, Bury. This application concerns the variation of conditions 2 and 15 attached to full planning permission (ref: 70015) granted on 12th July 2024 for the following development at Kemp Heaton Avenue:

“Erection of 18 no. supported living apartments (Class C2) and 25 no. dwellings (Class C3), construction of a new vehicle access point and associated parking and landscaping.”

Background

The proposed changes to Conditions 2 and 15 relate to the drawing references and are primarily driven by practical considerations that have emerged during the detailed design stage. These adjustments will enhance durability, reduce maintenance efforts, and ensure the provision of required easements for underground utilities and compliance with building regulations. These changes will enable the construction phase of development to commence.

Conditions 2 and 15 are currently worded as follows:

Condition 2

This decision relates to drawings numbered
12551-AEW-XX-XX-DR-A-0501 P02,
12551-AEW-SI-XX-DR-A-0502 P02,
12551-AEW-XX-XX-DR-A-6002 P04,
12551-AEW-B1-XX-DR-A-0550 P02,
12551-AEW-XX-XX-DR-A-6001 P05,
12551-AEW-AB-XX-DR-A-0520 P02,
12551-AEW-CF-XX-DR-A-0540 P02,
12551-AEW-AB-XX-DR-A-0521 P02,

12551-AEW-AB-XX-DR-A-0523 P02,
 12551-AEW-AB-XX-DR-A-0522 P02,
 12551-AEW-SI-XX-DR-A-0504 P02,
 12551-AEW-SI-XX-DR-A-0503 P22,
 12551-AEW-SI-XX-DR-A-0505 P04,
 12551-AEW-H1-XX-DR-A-0530 P02,
 12551-AEW-XX-XX-DR-A-6000-S2-P04,
 12551-AEW-XX-XX-PP-A-006-P04,
 387 03 P,
 387 04 J,
 387-05E,
 387-05F,
 KHAB/MS/01,

Existing topographical and utility Survey (Dwg No. S23-0219)

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.

Condition 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 13753-5050, Rev P1 - Dated 09/08/2023 which was prepared by Campbell Reith. For the avoidance of doubt surface water must drain at the restricted rate of 6.17l/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 ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding.

Reason: To promote sustainable development and reduce flood risk pursuant to Unitary Development Plan Policies EN5/1- New Development and Flood Risk , EN7/3 - Water Pollution and EN7/5 - Waste Water Management and chapter 14 - Meeting the challenge of climate change, flooding and coastal change of the NPPF.

Scope of Minor Material Amendments

Condition 2

This application proposes the substitution of the following plans referred to in Condition 2:

Plan Title	Drawing Ref (to be superseded)	Proposed Plan
House Type 3 (Bungalow – Accessible) 2B3P	12551-AEW-B1-XX-DR-A-0550 P02	12551-AEW-B1-XX-DR-A-0550 P03
House Type 2 (Cottage Flats) 1B2P	12551-AEW-CF-XX-DR-A-0540 P02	12551-AEW-CF-XX-DR-A-0540 P03
House Type 1 – 2B3P	12551-AEW-H1-XX-DR-A-0530 P02	12551-AEW-H1-XX-DR-A-0530 P02
Proposed Street Elevation	12551-AEW-SI-XX-DR-A-0504 P02	12551-AEW-SI-XX-DR-A-0504 P03

Proposed Site Plan	12551-AEW-SI-XX-DR-A-0503 P22	12551-AEW-SI-XX-DR-A-0503 P25
Landscape	387-03P	387-03T
Boundary Treatments	387-04J	387-04N
Detailed Planting Proposals 1 of 2	387-05E	387-05J
Detailed Planting Proposals 1 of 2	387-05F	387-06J
Hard Works	-	387-07A

Changes to the Design Drawings

The house type and proposed street elevation plans listed above have been amended to remove the louvres from windows of the houses, bungalows and cottage flats. The removal of louvres on windows is justified based on compliance with Part O of the Building Regulations, improved aesthetics and design flexibility, enhanced energy efficiency, and reduced maintenance requirements. The proposed alternative measures, including high-performance glazing and improvements to mechanical ventilation, will effectively mitigate the risk of overheating while aligning with the overall design vision for the development.

Part O of the Building Regulations aims to mitigate the risk of overheating in residential buildings. The regulations require that reasonable provisions are made to limit solar gains and provide adequate means to remove excess heat from the indoor environment. While louvres can be effective in reducing solar gains, alternative measures can achieve the same objective more efficiently. The removal of louvres will allow for the installation of high-performance glazing with a low g-value, which limits the amount of solar radiation entering the building, thereby reducing the risk of overheating. High-performance glazing also improves the overall energy efficiency of the building by reducing heat loss during colder months.

The removal of louvres will also enhance the aesthetic appeal of the building by providing a cleaner and more modern façade, which aligns with the overall architectural vision for the development. The removal of louvres will also reduce maintenance requirements contributing to the long-term sustainability of the building.

Changes to the Landscape and Planting Drawings

The Landscape and Planting Plans referred to in the table above have been amended to address matters which have arisen at the detailed design stage as follows:

- Permeable paving removed, tarmac now proposed for the vehicular carriageway in the Homezone and access to the apartment block:** The decision to replace permeable paving with tarmac is driven by the need for a more durable and low-maintenance surface. Tarmac provides a more resilient finish for high-traffic areas. The parking bays will be surfaced with permeable block paving. The drainage design proposed as part of the variation to condition 15 responds to these changes to maintain the agreed discharge rate. An additional "Hard Works" plan (ref: 387-07A) is provided as part of this application to provide further details.

- **Footpaths and patio paving reduced in area:** The reduction in the area of footpaths and patio paving is aimed at minimising hard surfaces and promoting a more natural landscape. This change will also increase the amount of permeable areas on site to maintain the agreed discharge rate.
- **Paving flag thickness now 40mm:** The adjustment in paving flag thickness to 40mm ensures better durability and stability. Thicker paving flags are less prone to cracking and can withstand heavier loads, making them more suitable for the intended use.
- **Plots 9-11 rear garden brick walls substituted for 2.1m high CB fence:** The substitution of brick walls with 2.1m high CB fences in the rear gardens of plots 9-11 is intended to provide a more cost-effective and flexible boundary solution. CB fences are easier to install and maintain, and they offer adequate privacy and security.
- **Plots 1-5 front boundary wall substituted for railings:** Replacing the front boundary walls with railings for plots 1-5 enhances the aesthetic appeal and allows for better visibility and interaction with the surrounding environment. Railings also contribute to a more open and welcoming streetscape.
- **Greenscreen fence omitted:** This change simplifies the landscape design and arrangement of space in the rear gardens.
- **Fencing adjacent to Homezone visitor parking rationalised following removal of hedge due to easement location:** The rationalisation of fencing adjacent to Homezone visitor parking is necessary following the removal of the hedge due to easement location. This adjustment ensures compliance with easement requirements for utilities while maintaining the functionality and aesthetics of the area.
- **Tree and native hedge planting in rear gardens omitted:** The omission of tree and native hedge planting in rear gardens is a result of space constraints and the need to avoid interference with underground utilities and easements. This change also reduces maintenance responsibilities for homeowners.
- **All trees are now Selected Standard 10-12cm girth:** Standardising all trees to a 10-12cm girth ensures uniformity and consistency in the landscape. Selected standard trees are more robust and have a higher survival rate, contributing to the overall success of the planting scheme.
- **Trees omitted where existing/proposed easements are located:** The omission of trees in areas with existing or proposed easements is necessary to prevent root interference with underground utilities and to comply with easement regulations. This change ensures the long-term viability of the landscape.
- **Ornamental shrub planting on site reduced:** The reduction in ornamental shrub planting is aimed at simplifying the landscape design and reducing maintenance efforts. This change also allows for a more natural and cohesive planting scheme.
- **Woodland planting on the eastern boundary amended due to easement location:** The amendment of woodland planting on the east boundary is required to accommodate easement locations. This adjustment ensures compliance with easement regulations while maintaining the integrity of the woodland area.
- **Low-maintenance tussock mix proposed in the woodland area:** The introduction of a low-maintenance tussock mix in the woodland area is intended to provide a more sustainable and easier-to-maintain ground cover. This mix is also beneficial for biodiversity and can contribute to Biodiversity Net Gain (BNG).

- **Post & wire fence removed from native hedge key:** The removal of the post and wire fence from the native hedge key simplifies the landscape design and reduces maintenance requirements. This change also enhances the natural appearance of the hedge.
- **Wildflower meadows removed from the scheme:** The removal of wildflower meadows from the scheme is due to their high maintenance requirements and the need for a more manageable landscape. This change allows for a more practical and sustainable planting scheme.

The proposed changes to the landscape scheme are primarily driven by practical considerations that have emerged during the detailed design stage. These adjustments aim to enhance durability, reduce maintenance efforts, and ensure compliance with easement regulations. Overall, these changes reflect a pragmatic approach to creating a sustainable and manageable landscape that meets both functional and aesthetic needs. The Site Layout Plan has also been amended to reflect these changes.

Condition 15

This application proposes the replacement of “Foul & Surface Water Drainage Design Drawing 13753-5050, Rev P1” dated 09/08/2023, with the following:

- Drainage Layout (Sheet 1 of 3) - 13753-5500 Rev P4
- Drainage Layout (Sheet 2 of 3) - 13753-5501 Rev P4
- Drainage Layout (Sheet 3 of 3) - 13753-5502 Rev P5

The drainage design and layout has not materially changed from the approved drawing. The initial submission was based on a very high-level drainage strategy, which indicated a discharge rate and general location of drainage infrastructure. The additional information provided in the updated drawings is as follows:

- The specific locations and details of the inspection chambers
- Increase in pipe diameters
- Details of the gradient of pipes
- Details of the location and diameter of permeable paving
- Inclusion of an additional cellular attenuation tank
- Details of the size and capacity of cellular attenuation tanks
- Change to the location and increase in the number of hydrobrakes
- Inclusion of details of existing vegetation
- Inclusion of the location of gas mains

Proposed updates and additional information for the drainage design and layout are primarily driven by the need to address practical issues that have arisen during the detailed design stage. The detailed drainage design drawings submitted as part of this S73 Application include significantly greater detail however the fundamental workings of the drainage strategy remain unchanged. The changes to the drainage design have been made to avoid any potential issues with drainage performance and ensure that the drainage layout aligns with the overall landscape scheme. The

updates to the drainage design result in the same discharge rates that were agreed upon and provided through the approved Foul & Surface Water Drainage Design Drawing 13753-5050, Rev P1. These adjustments aim to enhance the functionality and compliance of the drainage system while addressing practical constraints and requirements.

Conclusion

We trust the necessary information has been submitted within the supporting documentation, however, should you require any further information to validate the application please do not hesitate to contact me at the earliest opportunity.