

Bury Council
By email

Your ref: 69580
Our ref: DC/23/1574
Date: 26-MAY-23

Dear Planning Team

Location: Land & buildings at Murray Road/2-10 Princess Parade/47-51 Market Street & Bury Market, Bury

Proposal: 1. Demolition of buildings and erection of flexible events hall with associated servicing, parking and landscaping; 2. New canopy structure to cover existing outdoor market; 3. Temporary permission sought for area of Bury Market car park to be utilised for site cabins for the duration of the build

United Utilities wish to make the following comments regarding the proposal detailed above.

OBJECTION

Due to the proximity of proposed development to United Utilities assets and apparatus, our current position is that we must **OBJECT** to this scheme. To overcome this objection, the applicant must contact our Developer Services team to investigate a satisfactory resolution. Evidence of any proposed agreement or resolution of this matter, agreed between the applicant and our Developer Services team, should be submitted to the Local Planning Authority before our objection can be removed. Further information, including contact details for our Developer Services team, can be found in the sections titled '*UNITED UTILITIES' PROPERTY, ASSETS AND INFRASTRUCTURE*', '*DRAINAGE*' and '*CONTACTS*' below.

All other comments made within this letter should be taken into consideration but do not override our current objection.

CONDITIONS

Should the Council be minded to grant permission for this scheme, please note our request for planning conditions to be included in the subsequent decision notice as detailed in the sections titled '*DRAINAGE*' and '*UNITED UTILITIES' PROPERTY, ASSETS AND INFRASTRUCTURE*'.

DRAINAGE

Existing public sewers pass through this site which modelling data identifies as being at risk of sewer flooding. We request that the applicant liaises with United Utilities to understand the nature of this flood risk and the impact upon the proposed site layout. The risk of sewer flooding needs to be assessed further as this could affect the developable area of the site and the detail of the design. The sequential approach should be applied in accordance with national planning policy. New development should be located so that it is safe and will not increase flood risk elsewhere.

The applicant should consider site topography and any exceedance flow paths from existing and proposed drainage systems. The proposed site layout and levels should take account of such existing circumstances to ensure the most flood resilient solution is achieved. Careful consideration will need to be given to the incorporation of mitigation measures, subject to the detail of the development proposal. This should include the approach to drainage including the management of surface water; the point of connection; whether the proposal will be gravity or pumped; the proposed finished floor and ground levels; and any appropriate measures to manage any risk of sewer surcharge.

As the proposed site layout and levels are intrinsically linked to the drainage proposals we must OBJECT until the matters set out above are fully addressed.

REQUEST FOR FURTHER INFORMATION

In order to address the matters set out above we request that further information is submitted for our review and comment prior to the determination of this application. We request that the applicant submits a plan outlining the proposed levels (including finished floor levels and ground levels) shown in metres above Ordnance Datum and a foul and surface water drainage strategy (including cover and invert levels). It is our recommendation this information is submitted for our review prior to determination so that any risk of sewer surcharge can be further assessed. The applicant should note that it may be necessary to raise finished floor and ground levels and/or include mitigation measures to manage the risk of sewer surcharge.

If a sewer closure or sewer diversion is required then details should also be submitted for our consideration. United Utilities requires a full understanding of how the proposed drainage system will operate post development to minimise the risk of flooding to the development and others. As such, we request that a detailed design of the proposed closure/diversion, including model, sections, levels and exceedance flow routes are provided. The applicant should also note the need to submit a S185 diversion application for assessment and modelling.

Following our review of the submitted drainage documents; Drainage drawing: 221-144 / 0001, Rev: P04, Dated: 24/04/2023, prepared by: AJP, the plans are not acceptable to United Utilities. This is because we have not seen robust evidence that the drainage hierarchy has been thoroughly investigated and the proposals are not in line with the Non-Statutory Technical Standards for Sustainable Drainage Systems.

United Utilities will request evidence that the drainage hierarchy has been fully investigated and why more sustainable options are not achievable before a surface water connection to the public

sewer is acceptable. We request the applicant provides infiltration tests, survey and investigates connection to the culvert water course near the site.

We request that the matters above are addressed prior to the determination of this application and further information is submitted to address our objection. Given that we have requested further information regarding elements of the scheme which are intrinsically linked to the proposed site layout, and are material to the matters for which approval is being sought at this time, we believe that it is imperative that this information is submitted prior to determination of this application. This is to ensure that any approved scheme is deliverable and prevent the requirement for any additional/further planning applications or amendments to an approved scheme.

If you should choose to determine this application in advance of receipt and review of the above information, which we **do not** recommend, we would request that you attach the following drainage condition to any permission you may grant:

CONDITION 1: Foul and Surface Water Drainage

Prior to the commencement of development, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes must include:

- (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;***
- (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations);***
- (iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;***
- (iv) The detailed design of any proposed sewer diversion (including a model, sections and exceedance flow routes);***
- (v) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and***
- (vi) Foul and surface water shall drain on separate systems.***

The approved schemes shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

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, secure proper drainage and to manage the risk of flooding and pollution.

The applicant can discuss any of the above with Developer Engineer, **Mohammed Aljafarawi**, by email at wastewaterdeveloperservices@uuplc.co.uk.

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 main river).

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.

Acceptance of a drainage strategy 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 assessed and accepted in writing by United Utilities. 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.

Management and Maintenance of Sustainable Drainage Systems

Without effective management and maintenance, sustainable drainage systems can fail or become ineffective. We believe we have a duty to advise the Local Planning Authority of this potential risk to ensure the longevity of the surface water drainage system and the service it provides to people. We also wish to minimise the risk of a sustainable drainage system having a detrimental impact on the public sewer network should the two systems interact. We therefore recommend the Local Planning Authority include a condition in any subsequent Decision Notice regarding a management and maintenance regime for any sustainable drainage system that is included as part of the proposed development. The following may be a useful example.

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:

- a. Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and*
- b. 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.

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

UNITED UTILITIES PROPERTY, ASSETS AND INFRASTRUCTURE

Where United Utilities' assets cross the proposed red line boundary, developers must contact our Developer Services team prior to commencing any works on site, including trial holes, groundworks or demolition. Please see 'Contacts' section below.

Water pipelines

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

A water main crosses the site. It must not be built over, or our access to the pipeline compromised in any way. We require an access strip as detailed in 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 must comply with this document to ensure pipelines are adequately protected both during and after the construction period.

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).*

A number of public sewers cross the site and we will not allow building over them. We require an access strip for maintenance or replacement of each sewer 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 each pipeline as this is likely to influence the required stand-off distance from any structure.

OBJECTION

As set out in further detail above we can confirm that the proposal is not acceptable to United Utilities as proposed features appear to be located above many combined sewers. Until such time as the applicant has resolved all concerns regarding the proximity of proposed development to our asset(s), our position is that we must **OBJECT** to the proposal.

To discuss the proposal in relation to our wastewater asset(s) we recommend the applicant contacts our Developer Services team by email at WastewaterDeveloperServices@uuplc.co.uk.

If direct communication, between the applicant and our Developer Services team, results in an acceptable solution to address our current objection, the applicant must submit any agreed details to the Council for formal consideration. It is the applicant's responsibility to ensure that the Council have all information that is relevant to their application.

Existing public sewers pass through this site which modelling data identifies as being at higher risk of sewer surcharge. These represent a higher risk of public sewer flooding. The existence of any flood risk from the public sewer may limit the capacity of the development site. It may be necessary to apply the sequential approach as outlined in national planning policy, subject to the detail of the proposal that is brought forward. The applicant will need to demonstrate that any flood risk is safely managed and that flood risk is not increased elsewhere.

To resolve this matter, and to avoid any unnecessary costs or delays to either the applicant, we request the applicant submits a S185 Sewer diversion application. Please visit:

<https://www.unitedutilities.com/builders-developers/larger-developments/wastewater/sewer-diversions/>

Should planning permission be granted without resolution to our objection, which we do not recommend, we request the following condition is included in the subsequent Decision Notice to afford appropriate protective measures for these assets:

CONDITION 2: Asset Protection

No construction shall commence until details of the means of ensuring the 150-225mm combined sewers that are laid within the site boundary are protected from damage as a result of the development have been submitted to and approved by the Local Planning Authority in writing. The details shall outline the potential impacts from construction activities and the impacts post completion of the development on the public combined sewers that crosses the site and identify mitigation measures to protect and prevent any damage to the pipeline both during construction and post completion of the development. Any mitigation measures shall be implemented in full in accordance with the approved details.

Reason: In the interest of public health and safety and to ensure protection of essential services.

Important information regarding water and wastewater pipelines and apparatus

It is the applicant's responsibility to investigate and demonstrate the exact relationship between United Utilities' assets and the proposed development.

A number of providers offer a paid for mapping service, including United Utilities (see 'Contacts' section 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 'Contacts' Section 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', a copy of which is available on our website. 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 operational.

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.

WATER AND WASTEWATER SERVICES

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 'Contacts' Section 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-20212022/> and go to section 7.7 for compulsory metering.

To promote sustainable development United Utilities offers a reduction in infrastructure charges for 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. Please see 'Contacts' Section below.

CONTACTS

Website

For detailed guidance on water and wastewater services, including application forms and the opportunity to talk to the Developer Services team using the '**Live Chat**' function, please visit:

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

Email

For advice on water and wastewater services or to discuss proposals near to pipelines, email the Developer Services team as follows:

Water mains and water supply, including metering - DeveloperServicesWater@uuplc.co.uk

Public sewers and drainage - WastewaterDeveloperServices@uuplc.co.uk

Telephone - 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.

We request that a copy of this letter is made available to the applicant.

Yours faithfully

The Planning, Landscape and Ecology Team