

DELEGATED REPORT

Report by Helen Pressley	Date of report: 01/08/2025	Ref: 71764/CONDIS
Registration: 25/03/2025	LDFC: 02/05/2025	Expiry Date: 20/05/2025
Site Visit:	Site Notice: N/A	Press Date: N/A
Objections:	Con Area:	Adv Type: N/A
Reason for Delay:		EIA: NA
N/A		Dec Level: DEL
		Stat Class: NREQ

Proposal: Application to discharge condition 13 (drainage scheme) & condition 25 (highways works) on planning permission 70805

Location: Land off Fletcher Fold Road, Bury, BL9 9RX

Description

Planning permission has been granted, subject to conditions, for the for the erection of 43 dwellings for the people over 55 years of age with associated car parking and landscaping. The dwellings comprise of 4 x 2no. bedroom bungalows and a three storey apartment building providing a total of 39 apartments (33no. one bedroom apartments and 6 no. two bedroom apartments) with a communal room at ground floor.

Communal landscaped gardens are proposed to the rear of the apartment blocks with parking located centrally within the built development, access from Fletcher Fold Road. Self contained gardens are proposed for the bungalows, with parking provided to the front or the side of each of these units.

This application relates to the discharge condition 13 (drainage scheme) & condition 25 (highways works) on planning permission 70805

Relevant Planning History

02946/E - The proposed development is for the erection of 43 dwellings for the people over 55 years of age with associated car parking and landscaping. The dwelling comprise 4 x two bedroom bungalows and a three storey apartment building providing a total of 39 apartments (27 one bedroom apartments and 12 two bedroom apartments) with a communal room at ground floor. - Enquiry completed 19/02/2024

45330 - Single storey extension - Approve with Conditions 16/11/2005

49271 - Erection of 2 metre high paladin fence to school boundary - Approve with Conditions 16/04/2008

62832 - Prior notification of proposed demolition of single storey former primary and special school - Prior Approval Required and Granted 14/06/2018

66306 - Demolition and site enabling works - Approve with Conditions 22/02/2021

70805 - Erection of 4no. bungalows and block of 39no. apartments for the over 55 including communal facilities, landscaping and car parking provision - Approve with Conditions 17/12/2024

71708 - Application to discharge conditions on planning permission 70805: condition 4 (protected trees), 19 (public footpath protection) and 20 (public footpath diversion) - Approved

Application to discharge conditions 8 (biodiversity net gain plan) and 9 (habitat management) on planning permission 70805 - Approved. Statutory BNG condition not discharged.

72053 - Application to discharge condition 3 (materials) on planning permission 70805 - Approved 24/07/2025

Publicity

N/A

Statutory/Non-Statutory Consultations

Traffic Section - Section 50 Technical works approved

Drainage Section - no response

United Utilities (Water and waste) - no objections to condition being discharged

Pre-start Conditions - N/A

Development Plan and Policies

EN1/2	Townscape and Built Design
EN2/3	Listed Buildings
EN6/3	Features of Ecological Value
EN7/3	Water Pollution
EN7/5	Waste Water Management
EN8/2	Woodland and Tree Planting
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
RT2/2	Recreation Provision in New Housing Development
RT3/3	Access to the Countryside
RT3/4	Recreational Routes
HT2/4	Car Parking and New Development
JP-C1	Our Integrated Network
JP-C2	Digital Connectivity
JP-C3	Our Public Transport
JP-C5	Streets For All
JP-C6	Walking and Cycling
JP-C8	Transport Requirements of New Development
JP-H3	Type, Size and Design of New Housing
JP-H4	Density of New Housing
JP-S2	Carbon and Energy
JP-S4	Flood Risk and the Water Environment
JP-S5	Clean Air
JP-P1	Sustainable Places
JP-P6	Health
JP-G7	Trees and Woodland
JP-G8	A Net Enhancement of Biodiversity and Geodiversity
JP-G1	Landscape Character
NPPF	National Planning Policy Framework
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

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.

Condition 13

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) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable;

and

(v) 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. The current application contains insufficient information regarding the proposed drainage scheme to fully assess the impact. To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution pursuant to Development Plan Policies JP-S4 - Flood Risk and the Water Environment, 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.

The following has been submitted by the applicant in support of this condition discharge:

- Ground Investigation Report 23-12-115972/GIR1 Rev A
- Ground Investigation Report 8123
- 23-B-13947-204 Section 104 Drawings Manholes
- Email dated 30th October regarding sewer adoption
- 13947 - SuDs suitability Assessment
- 23-B-13947-201 Section 104 drawing adoptable drainage layout
- 23-B-13947-202 Section 104 drawing surface water catchment areas
- Drainage Statement received 8th April 2025
- Drainage Maintenance Plan
- Storm Sewer Design 1:30 Year
- Storm Sewer Design 1:100 year
- Flood risk assessment and drainage strategy report
- Hydro- Brake technical spec
- Hydro-brake design

Further to our review of the submitted documents, Drawing 23-B-13947-201 - Dated 20.02.25, United Utilities has no objection to condition 13 being discharged.

Condition 25

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 survey of the site and adjacent adopted highways to the Local Planning Authority:

- 1. Formation of the proposed site access alterations and pedestrian improvements on Fletcher Fold Road at the junction with Goshen Lane to a scope and specification to be agreed, incorporating works at/beyond the limits of the adopted highway to form adequate arrangements for pedestrians across Goshen Lane, demarcation of the limits of the adopted highway, and all associated highway and highway drainage remedial works;*
- 2. Scheme of carriageway resurfacing works on Fletcher Fold Road in the vicinity of the revised access to a scope and specification to be agreed;*

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

Reason. To secure the satisfactory development of the site in terms of highway safety, ensure good highway design, ensure the intervisibility of the users of the site and the adjacent highways 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.

The following has been submitted by the applicant in support of this condition discharge:

- Drawing 23-B-13947-101 Rev C Proposed amendments to existing highways and pedestrian link

Highways have confirmed that technical approval (Section 50) has been granted for the footway and carriageway to Fletcher Fold Road and as such this condition can be discharged.

Recommendation: Approve

Conditions and Reasons:

- 1 The conditions of application 70805 listed below are approved:
Condition 13 - Drainage Scheme
Condition 25 - Highways Works

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
HP	01/08/2025	DM	04/08/2025