

NOTICE OF PLANNING PERMISSION

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

To:

Mrs Pamela Chesterman
Irwin Mitchell LLP
Horton House
Exchange Flags
Liverpool
Merseyside
L2 3PF

On Behalf Of:

Windlehurst Estates Limited
77 Windsor Road
Prestwich
Manchester
M25 0DB

PART 1 - Particulars of Application

Application Number: 70213

Date of Registration: 11/03/2024

Proposal:

Conversion of existing public house to 5 no. apartments and changes to land levels at side and rear of the building to create parking area

Location:

Lord Raglan, Mount Pleasant, Nangreaves, Bury, BL9 6SP

PART 2 - Particulars of Decision

Bury Metropolitan Borough Council hereby give notice in pursuance of the provisions of the Town and Country Planning Act 1990 that permission has been **GRANTED** for the carrying out of the development referred to in Part 1 hereof in accordance with the application and plans submitted subject to the following conditions:-

- 1 The development must be begun not later than three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.

- 2 This decision relates to drawings:

Location Plan - Drawing no. 101 rev 3;
Site - Block Plan - Drawing no. 102 rev 4;
Existing and Proposed Site Plan - Drawing no. 002 rev 19;
Existing GA plans - Drawing no. 002;
Existing elevations - Drawing no. 003 rev 2;
Proposed GA plans - Drawing no. 004 rev 3;
Fire plan - Drawing no. 020 rev 3;
Finishes - Drawing no. 030 rev 2;
Setting out elevations - Drawing no. 012 rev 1;
Driveway and retaining walls sections - proposed - Drawing no. 221 rev 3;
Driveway and retaining wall sections - existing - Drawing no. 222.1;
Existing and proposed sections - Drawing no. 223;
Existing and proposed landscape plan - Drawing no. 0.002 rev 17; and,

Existing and proposed sections - pub rear - Drawing no. 0.223.2.

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 development pursuant to the policies of the Bury Unitary Development Plan and Places for Everyone Joint Development Plan.

- 3 No development hereby permitted (except demolition and site clearance) within any approved phase shall take place until the works relating to land contamination detailed below are fully completed:

With consideration to human health, controlled waters and the wider environment, the following documents shall be completed to characterise potential risk to sensitive receptors and submitted to the Local Planning Authority for approval:

I. Preliminary Risk Assessment (PRA). Submission of this document is the minimum requirement.

II. Generic Quantitative Risk Assessment (GQRA). Submission of this document only if PRA requires it.

III. Detailed Quantitative Risk Assessment (DQRA). Submission of this document if GQRA requires it.

Reason. To prevent unacceptable risk to Human Health and Controlled Waters and to prevent pollution of the environment in accordance with the aims and Paragraphs 187(f), 196 and 197 of the National Planning Policy Framework (December 2024).

- 4 No development hereby permitted (except demolition and site clearance) shall take place until the works relating to land contamination detailed below are fully completed:

In accordance with the findings of site characterisation and risk assessment as previously approved, documents from the following shall be submitted to and approved in writing by the Local Planning Authority:

I. Remedial Options Appraisal.

II. Remediation Strategy.

III. Verification Plan.

Reason. To prevent unacceptable risk to Human Health and Controlled Waters and to prevent pollution of the environment in accordance with the aims and Paragraphs 187(f), 196 and 197 of the National Planning Policy Framework (December 2024).

- 5 The development hereby permitted within any approved phase shall not be occupied/brought into use until the works relating to land contamination detailed below are fully completed:

Where remediation is required, it shall be carried out in full accordance with the approved Remediation Strategy.

A Verification Report must be submitted to the Local Planning Authority for written approval upon completion of remediation works. The Verification Report must include information validating all remediation works carried out; details of imported materials (source/quantity/suitability); details of exported materials; and details of any unexpected contamination.

Reason. To prevent unacceptable risk to Human Health and Controlled Waters and to prevent pollution of the environment in accordance with the aims and Paragraphs 187(f), 196 and 197 of the National Planning Policy Framework (December 2024).

- 6 The development hereby approved within any approved phase shall not be brought

into use until written confirmation is provided to the Local Planning Authority that unexpected or previously unidentified contamination was not encountered during the course of development works.

If, during development, unexpected contamination is found to be present on the site, no further works shall be carried out at the affected location until the following are submitted to the Local Planning Authority for approval:

- I. Risk Assessment (GQRA or DQRA);
- II. Remediation Strategy & Verification Plan;

If remediation is required, it shall be carried out in accordance with the approved Remediation Strategy. Upon completion of remediation works, a Verification Report shall be submitted to and approved in writing by the Local Planning Authority. The Verification Report must include information validating all remediation works carried out; details of imported materials (source/quantity/suitability); details of exported materials; and details of any unexpected contamination.

Reason. To prevent unacceptable risk to Human Health and Controlled Waters and to prevent pollution of the environment in accordance with the aims and Paragraphs 187(f), 196 and 197 of the National Planning Policy Framework (December 2024).

- 7 Any soil or soil forming materials to be brought to site for use in garden areas, soft landscaping, filling and level raising shall be tested for contamination and suitability for use.

Proposals for contamination testing including testing schedules, sampling frequencies and allowable contaminant concentrations (as determined by appropriate risk assessment) and source material information shall be submitted to the Local Planning Authority for written approval prior to any soil or soil forming materials being brought onto site.

The approved contamination testing shall then be carried out and validity evidence (soil descriptions, laboratory certificates, photographs etc.) submitted to Local Planning Authority for approval prior to the development being brought into use.

Reason. To prevent unacceptable risk to Human Health and Controlled Waters and to prevent pollution of the environment in accordance with the aims and Paragraphs 187(f), 196 and 197 of the National Planning Policy Framework (December 2024).

- 8 No works to trees or shrubs shall occur or conversion works commence 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 Policy EN6/3 - Features of Ecological Value of the Bury Unitary Development Plan and Policy JP-G8: A Net Enhancement of Biodiversity and Geodiversity, Places for Everyone Joint Development Plan and National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.

- 9 A landscaping scheme shall be submitted to and approved by the Local Planning Authority prior to the commencement of the development. The contents of the scheme and/ or plan should include native tree and shrub planting within the amenity area and near the retaining wall and the provision of bat and bird boxes. The approved scheme shall thereafter be implemented not later than 12 months from the date the dwellings are first occupied or within the first available tree planting season, and any trees or shrubs removed, dying or becoming severely damaged or becoming severely diseased within five years of planting shall be replaced by trees or shrubs of a similar size or species to those originally required to be planted.

Reason. To ensure appropriate landscaping of the site in the interests of visual

amenity, to enhance the character of the street scene and the landscape in which the site is located and to provide biodiversity enhancements, in accordance with the requirements of Policies H2/2 - The Layout of New Residential Development, EN1/2 - Townscape and Built Design, EN6/3 Features of Ecological Value and EN8/2 - Woodland and Tree Planting of the Bury Unitary Development Plan, Policies JP-G1: Landscape Character, JP-G7: Trees and Woodland and JP-G8: A Net Enhancement of Biodiversity and Geodiversity, and chapter 15 - Conserving and enhancing the natural environment of the National Planning Policy Framework.

- 10 Development shall not commence until details of surface water drainage proposals have been submitted to and approved by the Local Planning Authority. The scheme must be based on the hierarchy of drainage options in the National Planning Practice Guidance and be designed in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015). This must include assessment of potential SuDS options for surface water drainage with appropriate calculations and test results to support the chosen solution. Details of proposed maintenance arrangements should also be provided.
The approved scheme only shall be implemented prior to first occupation of the apartments hereby approved and thereafter maintained.
Reason. The current application contains insufficient information regarding the proposed drainage scheme to fully assess the impact. To promote sustainable development and reduce flood risk pursuant to Policies JP-S4 Flood Risk and the Water Environment of the Places for Everyone Joint Development Plan and chapter 14 - Meeting the challenge of climate change, flooding and coastal change of the National Planning Policy Framework.
- 11 Prior to first occupation of the development hereby approved, a sprinkler/misting system to meet the requirements of BS 9251:2014 or other subsequent standard that meets the requirements of Greater Manchester Fire and Rescue Service and deemed suitable to overcome the site's emergency access deficiencies, shall be installed in each of the apartments/ dwellings hereby approved and shall thereafter be maintained at all times.
Reason. In the interests of fire safety and to ensure the safe and satisfactory development of the site and for its future occupiers pursuant to Development Plan Policies H1/2 - Further Housing Development, H2/2 - The Layout of New Residential Development and EN1/2 - Townscape and Built Design and JP-C8- Transport Requirements of New Development.
- 12 Notwithstanding the submitted information, no development shall commence until details of all external materials and finishes to be used for the repair, maintenance and refurbishment of the building, the erection of any external boundary walls and for the retaining walls has been submitted to, inspected, and approved in writing by the Local Planning Authority. All works shall be undertaken in accordance with the details so approved which shall thereafter be maintained for the lifetime of the development.
Reason. A pre-commencement condition is required in order to ensure that the details are satisfactory to preserve the listed building and its setting and character in accordance with EN2/1 - Character of Conservation Areas, EN2/2 - Conservation Area Control, EN2/3: Listed Buildings of the Bury Unitary Development Plan, Policy JP-P2: Heritage of the Greater Manchester Places for Everyone Joint Development Plan, and the National Planning Policy Framework.
- 13 Prior to occupation of development hereby approved the applicant shall provide at

least:

- 1 no. electric vehicle (EV) charging point (minimum 7kW*) per apartment.

Certification and photographic evidence of the installation of the agreed electric vehicle charge points shall be submitted to Local Planning Authority for approval prior to the development being brought into use. The infrastructure shall be maintained and operational in perpetuity.

*Mode 3, 7kW (32A) single phase, or 22kW (32A) three phase, and for 50kW Mode 4 rapid charging may be required. British Standard BS EN 61851-1:2019 to be used. Further information regarding minimum standards can be found at <https://www.gov.uk/transport/low-emission-and-electric-vehicles>.

Reason. To encourage the uptake of ultra-low emission vehicles and ensure the development is sustainable and to safeguard residential amenity, public health and quality of life with respect to Local Air Quality, in accordance with paragraphs 112e, 117e, 187e and 199 of the National Planning Policy Framework (December 2024) and Policy JP-S5 - Clean Air of the Places for Everyone Joint Development Plan.

- 14 The development hereby approved shall not be commenced unless and until the scope of a photographic dilapidation survey of the access to the site has been submitted to/agreed with the Local Planning Authority and the undertaking of the agreed dilapidation survey has been submitted to and approved by the Local Planning Authority. Within one month of completion of the development, a further survey shall be undertaken to assess the condition of the route. Any remedial works required as a result of damage caused by demolition/construction traffic shall be undertaken at the expense of the applicant to a specification and programme to be agreed with the Local Planning Authority.
- Reason. To maintain the integrity of the adjacent Public Right of Way, to maintain the historic stone setts and in the interests of highway safety pursuant to Policies H2/2 - the Layout of New Residential Development, Policy EN2/1 - Character of Conservation Areas, Policy EN2/2 - Conservation Area Control and Policy EN2/3 - Listed Buildings of the Bury Unitary Development Plan and Policies JP-P2: Heritage and JP-C8:Transport Requirements of New Development of the Places for Everyone Joint Development Plan.
- 15 No development shall commence unless and until a 'Construction Traffic Management Plan' (CTMP), has been submitted to and approved by the Local Planning Authority and shall confirm/provide the following:
1. Access route for all construction vehicles to the site from the Key Route Network;
 2. Access point/arrangements for construction traffic from Walmersley Old Road and all temporary works required to facilitate access for construction vehicles;
 3. If proposed, details of site hoarding/gate positions, incorporating the provision, where necessary, of temporary pedestrian facilities/protection measures;
 4. A scheme of appropriate warning/construction traffic speed signage in the vicinity of the site and its access onto Walmersley Old Road;
 5. Confirmation of hours of operation and delivery & construction vehicle sizes;
 6. Arrangements for the turning and manoeuvring of vehicles within the curtilage of the site and/or measures to control/manage delivery vehicle manoeuvres;
 7. Parking on site or on land within the applicant's control of operatives' and construction vehicles, together with storage on site of construction materials;
 8. Measures to ensure that all mud and other loose materials are not spread onto

the adjacent highways as a result of the groundworks operations or carried on the wheels and chassis of any vehicles leaving the site and measures to minimise dust nuisance caused by the operations.

The approved plan shall be adhered to throughout the demolition/construction period and the measures shall be retained and facilities used for the intended purpose for the duration of the demolition and construction periods. The areas identified shall not be used for any other purposes other than the turning/parking of vehicles and storage of demolition/construction materials.

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, JP-C5 Streets for All, JP -C6 Walking and Cycling and JP-C8 - Transport Requirements for New Development of the Places for Everyone Joint Development Plan.

- 16 The car parking indicated on the approved plans shall be surfaced, demarcated and made available for use prior to the development hereby approved being brought into use.

Reason. To ensure good highway design and adequate off-street car parking arrangements and provision, in the interests of road and pedestrian safety pursuant to Development Plan Policies EN1/2 - Townscape and Built Design, JP-C5 - Streets for All, JP-C6 - Walking and Cycling, JP-C8 - Transport Requirements of New Development, HT2/4 - Car Parking and New Development and Supplementary Planning Document 11: Parking Standards in Bury.

- 17 The bin storage facilities indicated on the approved plans shall be made available prior to the use hereby approved commencing and maintained thereafter.

Reason. To ensure adequate provision for the storage and disposal of refuse within the curtilage of the site, clear of the adopted highway pursuant to Policies EN1/2 - Townscape and Built Design, H2/4 - Conversions, H2/2 - The Layout of New Residential Development of the Bury Unitary Development Plan, Policies JP-C5 Streets for all, JP-C6 Walking and Cycling and JP-P1 Sustainable Places of the Places for Everyone Plan and the National Planning Policy Framework.

- 18 The turning facilities indicated on the approved plans shall be provided before the development hereby approved is first occupied 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 Policy EN1/2 - Townscape and Built Design of the Bury Unitary Development Plan and Policies JP-C5 Streets for All, JP -C6 Walking and Cycling and JP-C8 - Transport Requirements for New Development of the Places for Everyone Joint Development Plan.

- 19 The dwellings hereby approved shall be built in accordance with the 'accessible and adaptable' standard in Part M4(2) of the Building Regulations.

Reason. To secure the satisfactory development of the site pursuant to Policy JP-H3: Type, Size and Design of New Housing of the Places for Everyone Joint Development Plan.

- 20 Notwithstanding the terms of the Town and Country Planning (General Permitted Development) (England) Order 2015, as subsequently amended, no development shall be carried out within the terms of Classes A to F of Part 2 of Schedule 2 of the Order, without the submission and approval of a relevant planning application.
Reason. To ensure that future inappropriate external alterations, additions, or boundary treatments do not occur to the listed building or its setting and in the interests of safeguarding the character and appearance of the conservation area, pursuant to policies EN2/1: Character of Conservation Areas, EN2/2: Conservation Area Control, EN2/3 Listed Building of the Bury Unitary Development Plan, Policy JP-P2: Heritage of the Places for Everyone Joint Development Plan and the National Planning Policy Framework.
- 21 No development shall commence unless and until a scheme for secured cycle storage has been submitted to and approved by the Local Planning Authority. The approved scheme only shall thereafter be implemented prior to first occupation and thereafter maintained.
Reason. To provide acceptable levels of facilities for future occupiers and provide alternative means of sustainable travel pursuant to Policies H2/4 of the Bury Unitary Development Plan, Policy JP-C6 of the Places for Everyone Joint Development Plan and Supplementary Planning Document 11 - Parking Standards in Bury.
- 22 All roof lights shown on drawing no. DA18037 012 rev 1 - Setting out elevations shall be of a 'conservation style' to sit flush with the roof surface and shall not protrude from the roof plane.
Reason. To ensure a sympathetic relationship with the character and appearance of the host building, a listed building and in accordance with the requirements of Policies EN2/3: Listed Buildings of the Bury Unitary Development Plan, Policy JP-P2: Heritage of the Greater Manchester Places for Everyone Joint Development Plan, and the National Planning Policy Framework.
- 23 Notwithstanding the submitted drawings, no development shall commence unless and until full details of all the windows and doors have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include the proposed method of construction, the materials to be used, fixing details (including cross sections) and their external finish including any surrounds, cills or lintels. Only the approved details shall be implemented prior to first occupation of the dwellings approved.
Reason. In the interests of the character and appearance of the building and the conservation area, in accordance with Policies EN2/1 - Character of Conservation Areas, EN2/2 - Conservation Area Control, and EN2/3 - Listed Buildings of the Bury Unitary Development Plan and Policy JP-P2: Heritage of the Places for Everyone Joint Development Plan.
- 24 No development shall commence unless or until full details of the proposed rainwater goods, including the eaves detail, to be used on the building, roof lantern, and the metal grilles shown on the approved drawings, along with the siting, appearance and materials to be used in the construction of all extractor vents, heater flues, meter boxes, airbricks, soil and vent pipes, the glazed roof lantern, or any other external accretion shall be submitted to and approved in writing by the Local Planning Authority. All works undertaken on site should be strictly in accordance with the approved details.
Reason. In the interests of the character and appearance of the building and the character and appearance of the Conservation Area, pursuant to Policies EN2/1: Character of Conservation Areas, EN2/2: Conservation Area Control and EN2/3: Listed Buildings of the Bury Unitary Development Plan and Policy JP-P2: Heritage of the Places for Everyone Joint Development Plan.

- 25 Prior to commencement of development details/samples of the materials to be used in the external elevations of the retaining wall along the access road, together with details of their manufacturer, type/colour and size, shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced. Only the approved materials 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 Policies EN1/2 - Townscape and Built Design, EN2/1 - Character of Conservation Areas, EN2/2: Conservation Area Control and EN2/3: Listed Buildings of the Bury Unitary Development Plan and Policy JP-P2: Heritage of the Places for Everyone Joint Development Plan.

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.

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

- 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
- H2/4 H2/4 - Conversions
- EN1/2 EN1/2 - Townscape and Built Design
- EN2/1 EN2/1 - Character of Conservation Areas
- EN2/2 EN2/2 - Conservation Area Control
- EN2/3 EN2/3 - Listed Buildings
- EN6/3 EN6/3 - Features of Ecological Value
- EN7/5 EN7/5 - Waste Water Management
- OL1/2 OL1/2 - New Buildings in the Green Belt
- OL1/4 OL1/4 - Conversion and Re-use of Buildings in the Green Belt
- EN7/5 EN7/5 - Waste Water Management
- OL1/4 OL1/4 - Conversion and Re-use of Buildings in the Green Belt
- HT2/4 HT2/4 - Car Parking and New Development
- JP-P1 Sustainable Places
- JP-P2 Heritage
- JP-H1 Scale of New Housing Development
- JP-H3 Type, Size and Design of New Housing
- JP-H4 Density of New Housing
- JP-C1 Our Integrated Network
- JP-C2 Digital Connectivity
- JP-C5 Streets For All
- JP-C6 Walking and Cycling
- JP-C8 Transport Requirements of New Development
- JP-G1 Landscape Character
- JP-G8 A Net Enhancement of Biodiversity and Geodiversity
- JP-G9 The Green Belt

JP-S2	Carbon and Energy
JP-S4	Flood Risk and the Water Environment
JP-S5	Clean Air
SPD6	Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties.
SPD8	Development Control Policy Guidance Note 8 - New Buildings and Associated Development in the Green Belt
SPD 9	Development Control Policy Guidance Note 9 - Conversion and Re-use of Buildings in the Green Belt
SPD11	Development Control Policy Guidance Note 11 - Parking Standards in Bury
NPPF	National Planning Policy Framework

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:

Location plan 101 rev 2
 Site - block plan 102 rev 2
 Existing and proposed site plan 002 rev 17
 Existing GA plans 002
 Existing elevations 003 rev 2
 Proposed GA plans 004 rev 3
 Fire plan 020 rev 3
 Finishes 030 rev 2
 Setting out elevations 012 rev 1
 Driveway and retaining walls sections - proposed 221 rev 2
 Driveway and retaining wall sections - proposed 0.221 rev 2
 Driveway and retaining wall sections - existing 222
 Existing and proposed sections 223
 Existing and proposed landscape plan 0.002 rev 17
 Existing and proposed sections - pub rear 0.223

NOTES TO APPLICANT

1. Commencement of Development Notice
 In accordance with S93G of the Town and Country Planning Act 1990 (As amended by Section 111 Levelling Up & Regeneration Act 2023) there is a legal requirement for you to inform the Council of the date when you intend to commence the development on site via submission of a Commencement Notice. This notice is mandatory for all developments and came into effect on 31 March 2024. You can find more information and download a copy of the Commencement Notice under the Before Starting Work section on our website at:
<https://www.bury.gov.uk/planning-building-control/planning-permission/planning-application-process>
2. The Control of the Pollution Regulations 1974, Section 60, Control of Noise on Construction Sites
 Works carried out in connection with the planning permission shall comply with the above regulations which require the following:
 1. All works and ancillary operations which are audible at the boundary of the nearest house or noise receptor, or at such other place as may be agreed with the Council, shall be carried out only between the hours of 0800 and 1800 on Mondays to Fridays and between the hours of 0900 and 1400 on Saturdays and at no time on

Sundays and Bank Holidays.

2. The best practicable means, as defined in section 72 of the Control of Pollution Act 1974, to reduce noise to a minimum shall be employed at all times.

3. All plant and machinery in use shall be properly silenced and maintained in accordance with the manufacturer's instructions.

4. Any emergency deviation from the above (1 – 3) shall be notified to Bury Council without delay.

Any contravention of these requirements will trigger the serving of a Notice under Section 60 of The Control of Pollution Regulations 1974.

3. Land Contamination Conditions

In order to discharge conditions, the actions required by Conditions 3-7 shall be completed in accordance with the following guidance: 'Land Contamination Risk Management' (Environment Agency, 2023).

The applicant is advised that they have a duty to adhere to the regulations of Part 2A of the Environmental Protection Act 1990, the National Planning Policy Framework 2024 and the Building Control Regulations with regards to contaminated land. The responsibility to ensure the safe development of land affected by contamination rests primarily with the developer.

Purchasers, where applicable, are advised that they should satisfy themselves that land contamination issues, if present, have been satisfactorily discharged given that the Council expects full compliance with any contaminated land requirements prior to the occupation of the site. Upon occupation such matters could then be the responsibility of the owner to remedy.

4. Surface Water Discharge

Surface water discharge to be limited to existing flow from site less a minimum 35% reduction in run-off to allow for climate change to prevent surcharge of public sewerage system downstream of the proposed development Chapter 10 of the National Planning Policy Framework - Meeting the Challenge of Climate Change, Flooding and Coastal Change, Policy JP-S4: Flood Risk and the Water Environment of the Places for Everyone Joint Development Plan, Policy EN5/1 - New Development and Flood Risk of the Bury Unitary Development Plan and its associated SPD 16 Design and Layout of New Development in Bury. Climate change allowance should be increased to 70% for sites which fall within Flood Zone 3.

5. United Utilities Advice

United Utilities provides the following comments to direct the applicant to further sources of support and guidance on matters that might impact their proposal.

DRAINAGE

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.

National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG) advise that surface water from new developments should be investigated and delivered in the following order of priority:

1. into the ground (infiltration);
2. to a surface water body;
3. to a surface water sewer, highway drain, or another drainage system;
4. to a combined sewer.

The applicant should consider their drainage plans in accordance with the drainage hierarchy outlined above.

In the event that the applicant, or any subsequent developer, approaches United Utilities regarding a connection for surface water to the public sewer, it is likely that we will request evidence that the drainage hierarchy has been fully investigated and why more sustainable options are not achievable. This will be managed through either our 'S106 Sewer Connections' or 'S104 Adoptions' processes.

UNITED UTILITIES' PROPERTY, ASSETS AND INFRASTRUCTURE

According to our records there is an easement within the proposed development site which is in addition to our statutory rights for inspection, maintenance and repair. The easement with UU Ref: 50/00086 has restrictive covenants that must be adhered to. It is the applicant's responsibility to obtain a copy of the easement document, available from United Utilities Legal Services or Land Registry. The applicant must comply with the provisions stated within the document.

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'

WATER MAIN

A water main is located in the vicinity of 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.

Based on the information currently available, it is unclear whether sufficient distance is provided between proposed development features and our water asset(s). We recommend the applicant contacts United Utilities Water Developer Services team to ensure existing water 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 water asset(s) in relation to any proposed development (including walls, fencing, parking etc.).

6. United Utilities: Appendix

Supporting information for the decision maker, applicant, developer 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

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. 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. 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.

Developers 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. 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 a water meter must be installed to premises. Detailed guidance on whether the development will require a compulsory meter is available on our website within our published Charges Schemes; Our charges 2024/25 | United Utilities (Section 8.7) or Our charges 2023/24 | United Utilities (Section 7.7).

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. 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

SLUDGE PIPELINES: DeveloperServicesWater@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

8. Highway Remedial Measures

The applicant's attention is drawn to the need to consult the Department of Place regarding the specification for, and implementation of, the required highway remedial works. The cost of the works will be the responsibility of the developer.

9. Refuse Collection

The Council currently operate a curtilage system of refuse collection. The applicant is advised to liaise with Waste Management & Transport - Bradley Fold, on 0161 253 7010/6635, regarding the operation of this system.

10. Bat Protection

Whilst the development is very low risk for bats, the applicant is reminded that under the 2019 Regulations it is an offence to disturb, harm or kill bats. If a bat is found all work should cease immediately and a suitably licensed bat worker employed to assess how best to safeguard the bat(s).

11. Bird Protection

The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended, it is an offence to remove, damage, or destroy the nest of a wild bird, while the nest is in use or being built. Planning consent does not provide a defence against prosecution under this act. If a bird's nest is suspected work should cease immediately, and a suitably experienced ecologist employed to assess how best to safeguard the nest(s).

12. Biodiversity Net Gain

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for development of land in England is deemed to have been granted subject to the condition (biodiversity gain condition) that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan, if one is required in respect of this permission would be Bury Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed below.

Statutory exemptions and transitional arrangements in respect of the biodiversity gain condition.

1. The application for planning permission was made before 12 February 2024. This development was made before this date and is therefore exempt from BNG requirements.

2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies.

3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and

(i) the original planning permission to which the section 73 planning permission relates* was granted before 12 February 2024; or

(ii) the application for the original planning permission* to which the section 73 planning permission relates was made before 12 February 2024.

4. The permission which has been granted is for development which is exempt being:

4.1 Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:

- iv) the application for planning permission was made before 2 April 2024;
- v) planning permission is granted which has effect before 2 April 2024; or
- vi) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates* was exempt by virtue of (i) or (ii).

4.2 Development below the de minimis threshold, meaning development which:
iii) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
iv) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

4.6 Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A "householder application" means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.

4.7 Development of a biodiversity gain site, meaning development which is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the Biodiversity Gain Planning condition which applies in relation to another development, (no account is to be taken of any facility for the public to access or to use the site for educational or recreational purposes, if that access or use is permitted without the payment of a fee).

4.8 Self and Custom Build Development, meaning development which:

- iv) consists of no more than 9 dwellings;
- v) is carried out on a site which has an area no larger than 0.5 hectares; and
- vi) consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).

4.5 Development forming part of, or ancillary to, the high speed railway transport network (High Speed 2) comprising connections between all or any of the places or parts of the transport network specified in section 1(2) of the High Speed Rail

(Preparation) Act 2013.

*original planning permission means the permission to which the section 73 planning permission relates” means a planning permission which is the first in a sequence of two or more planning permissions, where the second and any subsequent planning permissions are section 73 planning permissions.

Irreplaceable habitat

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

The effect of section 73D of the Town and Country Planning Act 1990

If planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 (application to develop land without compliance with conditions previously attached) and a Biodiversity Gain Plan was approved in relation to the previous planning permission (“the earlier Biodiversity Gain Plan”) there are circumstances when the earlier Biodiversity Gain Plan is regarded as approved for the purpose of discharging the biodiversity gain condition subject to which the section 73 planning permission is granted.

Those circumstances are that the conditions subject to which the section 73 permission is granted:

- i) do not affect the post-development value of the onsite habitat as specified in the earlier Biodiversity Gain Plan, and
- ii) in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat the conditions do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier Biodiversity Gain Plan.

7. Connection to a Public Sewer

Application forms for permission to connect to the public sewer should be obtained by telephoning United Utilities PLC on 08456 020406 or on line at www.unitedutilities.com

Signed:

A handwritten signature in black ink, appearing to read 'for haw', written in a cursive style.

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On behalf of the Council

Date of Decision: 23/10/2025