



Your ref:

Our ref: SP/Station Works S73

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30th March 2025

F.A.O Helen Pressley
Senior Planning Officer
Development Management
Bury Borough Council
3 Knowsley Place
Duke Street
Bury
BL9 0EJ

Dear Helen

Variation of Condition (S73) Application.

Planning Permission 69463: Development for 30 no. dwellings with associated access road, landscaping and infrastructure works – Station Works, Bury Road, Radcliffe, Manchester, M26 2UA.

Please find enclosed a Variation of Condition application submitted under S73 of the Town and Country Planning Act 1990 (as amended).

The application relates to Condition 12 of the above the planning permission which concerns the foul and surface water drainage at the site.

Condition 12 is currently worded as follows:

“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 WL_2226_001 Rev P2 - Dated 04/05/2023 which was prepared by Westlakes Engineering. Notwithstanding the details shown on the approved plans and for the avoidance of doubt no surface water will be permitted to drain directly or indirectly into the public sewer or directly into the Brook. 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.”

There is an error in the above wording.

The condition clearly approves the drainage strategy that was submitted with the application (ref: WL_2226_001 Rev P2 – dated 04/05/2023). This strategy identifies an attenuated surface water discharge to the adjacent brook that takes account of the relevant 1 in 30 and 1 in 100 year storm events. It therefore accords with the sequential test for drainage set out in the NPPF by discharging to a watercourse rather than an existing sewer which is the second most sequentially preferable option.

Unfortunately, the current wording of Condition prevents the implementation of the approved strategy as it states:

“no surface water will be permitted to drain directly or indirectly into the public sewer or directly into the Brook.”

This is clearly not what was intended by the LPA. Under the terms of the current wording the site could not be drained at all which simply does not make sense.

It is therefore proposed that the wording of the condition should be varied to the following:

"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 WL_2226_001 Rev P2 - Dated 04/05/2023 which was prepared by Westlakes Engineering. Notwithstanding the details shown on the approved plans and for the avoidance of doubt no surface water will be permitted to drain directly or indirectly into the public sewer or directly into the Brook during the construction period and until the measures to prevent flooding and pollution of the brook, as shown on the submitted Foul & Surface Water Drainage Design Drawing WL_2226_001 Rev P2 - Dated 04/05/2023 have been implemented in full. 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."

It is therefore respectfully requested that the LPA agree the above wording and issue a S73 approval on this basis.

Please therefore find attached to this submission the following:

1. Application Forms.
2. Ownership Certificate.
3. Approved Site location plan 1:1250 ref:
4. Approved drainage strategy ref: WL_2226_001 Rev P2

It is understood that there will need to be an associated Deed of Variation to the original S106 attached to planning 69463. The applicant agrees to these Heads of Terms and to pay the Council legal fees for the drafting/sealing this document.

If you require any further information or wish to discuss the proposal, please contact me on the above contact points.

Yours faithfully

Jim Seymour
BA(Hons) BPI MRTPI

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