

Bury Metropolitan Borough Council
Development Management, 3 Knowsley
Place
Duke Street
Bury
Lancashire
BL9 0EJ

Your Ref 70082

Our Ref CRTR-PLAN-2023-39904

Thursday 12 October 2023

Dear Amanda Uhunmwagho,

Proposal: Two storey rear extension; front porch and pitched roof over existing garage

Location: 90, Hunstanton Drive, Bury

Waterway: Elton Feeder Channel

Thank you for your consultation.

We are the charity who look after and bring to life 2000 miles of canals & rivers. Our waterways contribute to the health and wellbeing of local communities and economies, creating attractive and connected places to live, work, volunteer and spend leisure time. These historic, natural and cultural assets form part of the strategic and local green-blue infrastructure network, linking urban and rural communities as well as habitats. By caring for our waterways and promoting their use we believe we can improve the wellbeing of our nation. The Trust is a statutory consultee in the Development Management process.

The main issues relevant to the Trust as statutory consultee on this application is the:

- a. Potential impact on the structural integrity of the Elton Feeder.

Based on the information available our substantive response (as required by the Town & Country Planning (Development Management Procedure) (England) Order 2015 (as amended)) is to advise that a suitably worded **condition is necessary** to address this matter. Our advice and comments follow:

The Elton Feeder channel, which provides water to the Elton Reservoir passes in an open, tree lined, channel to the east of the application site and is in a slight cutting (lower ground) relative to the level of the application site. Based on the submitted plans the majority of the works would be set away from the Feeder Channel, however the proposed rear extension would move the built form slightly closer to the Feeder channel along with the associated excavations.

Land stability and the consideration of the suitability of development with regard to ground conditions are material planning considerations as set out in paragraphs 174(e) and (f) and 183 of the National Planning Policy Framework (NPPF) and that the responsibility for securing a safe development in terms of land stability rests with the developer (para 184). This is subject to more detailed discussion in the National Planning Practice Guidance (PPG).

In the interests of safeguarding structural integrity, additional information is required to establish the potential impact upon the structural integrity of the Elton Feeder and to understand any potential loading on the cutting. Ideally such information should be provided prior to determination of the application, as advocated in the NPPF.

Canal & River Trust Planning Team

Canal & River Trust, National Waterways Museum, Ellesmere Port South Pier Road Ellesmere Port Cheshire CH65 4FW
T: 0151 355 5017 E: nationalwaterwaysmuseum@canalrivertrust.org.uk W: canalrivertrust.org.uk

The details should include a scaled cross section showing the foundation details and proximity (distance) to the top of the Feeder Channel cutting as well as details of the construction methodology of the extension to ensure the construction works (excavation, earthmoving, foundations etc) and plant movement do not adversely affect the cutting. These details should also include the siting and form of any temporary protective fencing/buffer zones to the top of the Feeder Channel. Ideally a minimum 2m exclusion zone should be provided to prevent any plant, storage of materials etc at the top of the cutting.

Due to the proximity of the proposed works to the channel, such an exclusion zone would also provide a means of protecting the canal from any construction or demolition waste. Without adequate measures in place there exists the potential for pollutants to enter the channel, either from wind blowing through the site or from surface water runoff. Therefore, details should also include the siting and form of any temporary protective fencing/buffer zones to the crest (top) of the cutting of the Feeder Channel. If the Council are minded to approve the application without seeking the additional information we would suggest the following condition.

Notwithstanding the submitted details, no development shall take place until a scheme showing details of works to be carried out adjacent to the Elton Feeder Channel have been first submitted to and approved in writing by the Local Planning Authority. The details shall:

- **Provide a cross section showing the foundations of the rear extension and its proximity to the Feeder Channel, including written dimensions and relative levels;**
- **Outline the means of construction of the foundations of the rear extensions, including proposed earthmoving and excavation works required and set out how the Feeder Channel would be protected during the works (including details of any proposed temporary protective fencing or buffer zone to be erected) to safeguard the waterway infrastructure during construction.**

The development shall only be carried out in strict accordance with the approved scheme.

Reason: To protect the structural stability of the canal infrastructure which could be adversely affected by the development and to accord with the advice and guidance relating to land stability contained in Paragraphs 174 and 183 of the National Planning Policy Framework 2023.

We would be happy to assist the Council with the discharging of this condition.

We note that the application form states that there would be no impact on the trees, we would ask the Council to satisfy themselves that this would be the case. The photographs submitted with the application documents seem to show that the canopy of trees may overhang the site and as such works may be being undertaken in the root protection area of the retained trees. This could impact the health and longevity of the trees.

It is presumed that surface water drainage from the site would be directed to the mains sewer and away from the Feeder Channel, subject to this being the case we would have no further comments to make in relation to the drainage.

Should planning permission be granted we request that the following **informative** is appended to the decision notice:

1. *The applicant/developer is advised to contact the Canal & River Trust Infrastructure Services Team on 01782 779909 or email Enquiries.TPWNorth@canalrivertrust.org.uk in order to ensure that any necessary consents are obtained and that the works comply with the Canal & River Trust "Code of Practice for Works affecting the Canal & River Trust" to ensure the waterways are protected and safeguarded.*

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For us to monitor effectively our role as a statutory consultee, please send me a copy of the decision notice.

Please do not hesitate to contact me with any queries you may have.

Yours sincerely,

Tim Bettany-Simmons MRTPI
Area Planner

Tim.Bettany-Simmons@canalrivertrust.org.uk
07342 057926

<https://canalrivertrust.org.uk/specialist-teams/planning-and-design>

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Patron: H.R.H. The Prince of Wales. Canal & River Trust, a charitable company limited by guarantee registered in England and Wales with company number 7807276 and registered charity number 1146792, registered office address National Waterways Museum Ellesmere Port, South Pier Road, Ellesmere Port, Cheshire CH65 4FW