

NOTICE OF PERMISSION IN PRINCIPLE
Town and Country Planning Act 1990
Town and Country Planning (Permission in Principle) Order 2017
as amended

To:

Mr Daniel Connolly
Connollys Planning & Development Ltd
Kingfisher Business Centre
Burnley Road
Rawtenstall
BB4 8EQ

On Behalf Of:

Mr Jeffrey Paul Speak
c/o agent

PART 1 - Particulars of Application

Application Number: 70334

Date of Registration: 15/12/2023

Proposal:

Application for permission in principle for residential development of up to 9 no. dwellings

Location:

Land off Holcombe Grove/south east of Milltown Street, Radcliffe, M26 1SE

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.

The Principle of Permission hereby granted is for a period of 3 years from the date of this decision. This is the prescribed period as set out in the Town & Country Planning Act 199, Town and Country Planning (Permission in Principle) Order 2017 as amended. The "Notes to Applicant" below provides guidance on what the detailed proposals should include at the Technical Details Stage.

The Principle of Permission hereby granted is for a period of 3 years from the date of this decision. This is the prescribed period as set out in the Town & Country Planning Act 199, Town and Country Planning (Permission in Principle) Order 2017 as amended. The "Notes to Applicant" below provides guidance on what the detailed proposals should include at the Technical Details Stage.

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
EN1/1	EN1/1 - Visual Amenity
EN1/2	EN1/2 - Townscape and Built Design
EN1/3	EN1/3 - Landscaping Provision
EN5/1	EN5/1 - New Development and Flood Risk
EN6	EN6 - Conservation of the Natural Environment

EN6/4	EN6/4 - Wildlife Links and Corridors
EN7	EN7 - Pollution Control
EN7/1	EN7/1 - Atmospheric Pollution
EN7/2	EN7/2 - Noise Pollution
EN7/5	EN7/5 - Waste Water Management
OL5/2	OL5/2 - Development in River Valleys
HT2/4	HT2/4 - Car Parking and New Development
HT5/1	HT5/1 - Access For Those with Special Needs
HT6/2	HT6/2 - Pedestrian/Vehicular Conflict
SPD6	Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties.
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 received 15/12/23

NOTES TO APPLICANT

3. United Utilities response

United Utilities provides the following comments to support the Local Planning Authority in their determination of the planning application detailed above, and to direct the applicant to further sources of support and guidance on matters that might impact their proposal. The letter and Appendix should be read in their entirety.

Should this proposal be approved, and a further application submitted for Technical Detail Consent, it is important to note that our response to a subsequent application will be based upon the information that is available at the time of response, and therefore, our position and advice may vary.

We strongly recommend that the applicant or any subsequent developer contacts United Utilities, using our pre-development enquiry service to discuss their proposals directly with our Developer Services team. They can find further advice, along with a pre-development enquiry form, on our website:

<https://www.unitedutilities.com/builders-developers/>. Alternative ways to contact the team are available in the Appendix, Section 4.0 'Contacts'.

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.

Should the applicant receive Planning in Principle permission for this proposal, United Utilities will review the drainage element of any application for Technical Detail Consent in line with the surface water hierarchy. 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 considered acceptable. In the event of us reviewing an application for Technical Detail Consent, it is likely we may request the following condition:

CONDITION:

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: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

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

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'

2. This proposal is for up to 9 dwellings, which would not ordinarily require contributions for recreation or affordable housing. However, the adjoining land already has Permission in Principle for up to 9 dwellings (69420), and this application appears to be a subdivision of the wider site. This site would require access through the adjoining site and the two sites are in single ownership.

As set out in Supplementary Planning Guidance 5 (para. 2.5) the Council will seek to avoid situations whereby the landowner / developer attempts to subdivide the site to avoid meeting their obligations.

The requirement for planning obligations for the aggregated wider site (specifically affordable housing and recreation contributions) will need to be addressed at the technical details consent stage.

1. The application proposes a development for up to 9 houses on this 0.32 hectare site, which amounts to a density of 28 dwellings per hectare.
The Council would expect any Technical Details application to propose a residential development for a minimum of 8 no dwellings and maximum of 9 no dwellings.

4. **Environmental health contaminated land**

The site is currently occupied by rough vegetation. Current uses in the surrounding area commercial/industrial premises, residential, open land, a park and a Metrolink line. Previous uses at the site have included open land and possible small holdings/agricultural land associated with Top 'o th' Bank house/farm. Previous uses in the surrounding area have included sand pits, reservoirs, railway land, cotton mills, bleach and dye works, engineering works, and areas of landfilling and waste disposal. The site is within 250m of three registered landfill sites, two of which are situated on the opposite side of the River Irwell. The River Irwell is situated 120m to the east. The site is situated on the Nob End Rock and Lower Coal Measures Formation Secondary Aquifers, which is overlain by glacial sands and gravel deposits.

In line with the National Planning Policy Framework, the site is proposed for a sensitive end use we recommend that the following contaminated land conditions are placed on any grant of permission:

Submission of a Contaminated Land Preliminary Risk Assessment, Site Investigation, Detailed Risk Assessment and Remediation Strategy.

Submission of a Contaminated Land implementation of Remediation Strategy and Site Verification Report.

5. **Air Quality**

The site is not located within an Air Quality Management Area. Due to the scale of the development it is considered unlikely that the development would create an increase of more than 500 AADT (annual average daily traffic). Therefore, in line with the EPUK Guidance, an air quality assessment will not be required.

Bury Council has been identified by DEFRA as an area requiring to significantly improve air quality. The required measures to do this are currently under discussion. Due to this requirement, and the requirements of the building regulations (The Building Regulations 2010, Approved Document S, Infrastructure for the charging of electric vehicles), this Section would recommend a condition be placed on any grant of permission for the provision of an EV chargepoint for each residential unit.

6. **The Control of Noise (Appeals) Regulations 1975, Section 60. Control of Noise on Construction Sites**

Works carried out in connection with a 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 Noise Regulations 1975.

7. **Ecology**

As part of any technical details application, a preliminary ecological appraisal and a biodiversity net gain assessment would be required.

8. **Transport for Greater Manchester**

- Access to the site should be designed to ensure the provision of tactile paving and dropped kerbs.
- TfGM would suggest that a review is undertaken of the Traffic Regulation Orders in the vicinity of the development, with a view to introducing additional parking restrictions as appropriate, as well as ensuring adequate parking restrictions remain in place, and are refreshed accordingly. This will help to discourage pavement parking associated with the development and therefore assist in improving the quality of the surrounding public realm.

TfGM would refer to the LHA to confirm whether the quantum of development triggers the requirement for a Travel Plan. If this is not required, TfGM would recommend that a Travel Pack is produced which could include useful details of the nearest public transport services, journey planning etc.

9. **Metrolink response**

Metrolink runs in a fairly deep cutting on ballasted track adjacent to the proposed development site and it is of paramount importance that the stability of this cutting slope, any retaining structures or the trees are not compromised by the works on the site or by changes to the drainage in the vicinity.

Close liaison with TfGM and the Metrolink Operator and Maintainer (KAM) will be required to ensure that the cutting slope is not destabilised by the works and it may be that monitoring of the slope and track will be required for the duration of the works.

A suitable fence would need to be proposed along the boundary that is shared with Metrolink and where any vehicle movements are close to the boundary a suitable vehicle restraint barrier installed along the boundary to prevent errant vehicles breaching the boundary and entering the tramway.

It does not appear that the development includes a sub station but if this was the case we would ask that the potential impacts on Metrolink from EMC and Stray Current are addressed and we would request Conditions in this regard. It is worth noting that even if there is no requirement for this the developer should consider the impacts of stray current from Metrolink on the development.

Listed below are the likely Conditions that we would request unless the subject matter is adequately addressed in the full Planning submission, although clearly these may vary depending on the details of the development. It may also be likely, due to the proximity of the development and potential to adversely impact Metrolink infrastructure and/or operations, that Metrolink will require that an Asset Protection Agreement is entered into for the duration of the works.

Likely conditions

1. Working safely near Metrolink

No development shall take place until a Construction Management Plan (CMP) with detailed method statements of construction and risk assessments, has been submitted to, and approved in writing by Bury Council (approval to be in consultation with Transport for Greater Manchester). The approved CMP shall include agreed safe methods of working adjacent to the Metrolink Hazard Zone and shall be adhered to throughout the construction period. The CMP shall provide for: -

- o the retention of 24hr unhindered access to the trackside equipment cabinets and chambers for the low voltage power, signalling and communications cables for Metrolink both during construction and once operational.
- o loading and unloading of plant and materials;
- o storage of plant and materials used in constructing the development;
- o construction and demolition methods to be used; including the use of cranes (which must not oversail the tramway);
- o measures to control the emission of dust and dirt during construction.

Reasons:

To safeguard the amenities of the locality.

To ensure that the developer complies with all the necessary system clearances and agrees safe methods of working to meet the safety requirements of working above and adjacent to the Metrolink system. Further details can be found via the Metrolink

Website at: <https://www.tfgm.com/public-transport/tram/working-safely>

2. Boundary Treatment

No development shall take place until full details of the boundary treatment to the Metrolink tramway adjacent to the Metrolink infrastructure have been submitted to, and approved in writing by Trafford Council as Local Planning Authority (approval to be in consultation with Transport for Greater Manchester).

Reason: To ensure that an appropriate boundary treatment is installed on the boundary of the Metrolink tramway and that adjacent landscaping/urban realm is not detrimental to Metrolink Operations.

3. Drainage

No development shall take place, until the detailed design for the drainage of the development has been submitted to and approved in writing by Trafford Council as Local Planning Authority (approval to be in consultation with Transport for Greater Manchester).

Reason: To manage the risks associated with water run-off onto the Metrolink infrastructure and tramway pursuant to policies

4. Track and slope monitoring during construction works

Excavation is not to be carried out within 1m of the Metrolink operational boundary or any piling works within the zone of influence without notifying Metrolink in advance and obtaining approval. Any such works may require track or slope monitoring to be carried out as agreed with Metrolink and at the cost to the developer.

Reason: To ensure that the development does not adversely affect the track alignment and therefore the operation of Metrolink

5. Tree Protection

No development shall take place until full details of the root protection to the trees located within the Metrolink boundary have been submitted to, and approved in writing by, the Local Planning Authority (approval to be in consultation with Transport for Greater Manchester) and a design to demonstrate that the development will not impact the stability of the trees and therefore the cutting slope.

Reason: To protect trees against root damage and to maintain the stability of the trees such that they do not fail and impact Metrolink infrastructure.

6. Vehicle Restraint Measures

No development shall take place until the scope and specification of vehicle restraint measures to be installed along part of the boundary of the development which is shared with Metrolink and has potential to be used by vehicles has been submitted to, and approved in writing by Trafford Council as Local Planning Authority (approval to be in consultation with Transport for Greater Manchester).

Reason:

1. To protect Metrolink infrastructure.
2. To safeguard the amenities of the locality.

10. Highways

As part of a Technical Details submission, the applicant would need to address the Highway reasons for refusal -

The proposal and cumulative pedestrian and vehicle traffic generated would result in the intensification of use of the unadopted site access (Holcombe Grove) that is substandard in terms of pedestrian facilities, widths and forward visibility for the number of dwellings now proposed to be served, significantly in excess of the original

highway design parameters, which is likely to lead to pedestrian and vehicular conflicts on the access road and at the junction of Holcombe Grove with New Road to the detriment of the free flow of traffic and road and pedestrian safety.

Information should include (but not be limited to) all details relating to the proposed access to the site to support the level of development proposed, including improvement works, adequate visibility and measures to facilitate pedestrian access which will need to satisfy the Local Highway Authority. A topographical plan will be required.

A scheme of mitigation measures will be required by Greater Manchester Fire and Rescue Service (GMFRS) to overcome the site's emergency access deficiencies. The details/measures should incorporate the installation of a residential sprinkler/misting system at each dwelling meeting the requirements of BS 9251:2014, or other subsequent standard that meets the requirements of GMFRS, and thereafter maintained at all times.

Measures to ensure that the requirements of Approved Document B for Fire Service access/fire safety under the Building Regulations should be met, including, but not limited to, the following:

The Fire Service requires vehicular access for a fire appliance to within 45m of all points within the dwellings.

The access road should be a minimum width of 4.5m and capable of carrying 12.5 tonnes. Additionally if the access road is more than 20m long a turning circle, hammerhead, or other turning point for fire appliances will be required, preventing a fire appliance from having to reverse more than 20m.

The maximum length of any single access cul-de-sac network should be 250 meters. There should be a suitable fire hydrant within 165m of the furthest dwelling.

The details/measures subsequently agreed should be implemented to the satisfaction of GMFRS before the dwellings are first occupied and thereafter maintained at all times.

11. The Council currently operates a curtilage system of refuse collection. The applicant is advised to liaise with Waste Management, Bradley Fold Depot on 0161 253 6621/7010, regarding the operation of this system.

3. United Utilities response

United Utilities provides the following comments to support the Local Planning Authority in their determination of the planning application detailed above, and to direct the applicant to further sources of support and guidance on matters that might impact their proposal. The letter and Appendix should be read in their entirety.

Should this proposal be approved, and a further application submitted for Technical Detail Consent, it is important to note that our response to a subsequent application will be based upon the information that is available at the time of response, and therefore, our position and advice may vary.

We strongly recommend that the applicant or any subsequent developer contacts United Utilities, using our pre-development enquiry service to discuss their proposals directly with our Developer Services team. They can find further advice, along with a pre-development enquiry form, on our website:

<https://www.unitedutilities.com/builders-developers/>. Alternative ways to contact the team are available in the Appendix, Section 4.0 'Contacts'.

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.

Should the applicant receive Planning in Principle permission for this proposal, United Utilities will review the drainage element of any application for Technical Detail Consent in line with the surface water hierarchy. 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 considered acceptable. In the event of us reviewing an application for Technical Detail Consent, it is likely we may request the following condition:

CONDITION:

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: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

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

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'

2. This proposal is for up to 9 dwellings, which would not ordinarily require contributions for recreation or affordable housing. However, the adjoining land already has Permission in Principle for up to 9 dwellings (69420), and this application appears to be a subdivision of the wider site. This site would require access through the adjoining site and the two sites are in single ownership.

As set out in Supplementary Planning Guidance 5 (para. 2.5) the Council will seek to avoid situations whereby the landowner / developer attempts to subdivide the site to avoid meeting their obligations.

The requirement for planning obligations for the aggregated wider site (specifically affordable housing and recreation contributions) will need to be addressed at the technical details consent stage.

1. The application proposes a development for up to 9 houses on this 0.32 hectare site, which amounts to a density of 28 dwellings per hectare. The Council would expect any Technical Details application to propose a residential development for a minimum of 8 no dwellings to meet the requirements of the NPPF and emerging PFE policies.

4. Environmental health contaminated land

The site is currently occupied by rough vegetation. Current uses in the surrounding area commercial/industrial premises, residential, open land, a park and a Metrolink line. Previous uses at the site have included open land and possible small holdings/agricultural land associated with Top 'o th' Bank house/farm. Previous uses in the surrounding area have included sand pits, reservoirs, railway land, cotton mills, bleach and dye works, engineering works, and areas of landfilling and waste disposal. The site is within 250m of three registered landfill sites, two of which are situated on the opposite side of the River Irwell. The River Irwell is situated 120m to the east. The site is situated on the Nob End Rock and Lower Coal Measures

Formation Secondary Aquifers, which is overlain by glacial sands and gravel deposits.

In line with the National Planning Policy Framework, the site is proposed for a sensitive end use we recommend that the following contaminated land conditions are placed on any grant of permission:

Submission of a Contaminated Land Preliminary Risk Assessment, Site Investigation, Detailed Risk Assessment and Remediation Strategy.

Submission of a Contaminated Land implementation of Remediation Strategy and Site Verification Report.

5. Air Quality

The site is not located within an Air Quality Management Area. Due to the scale of the development it is considered unlikely that the development would create an increase of more than 500 AADT (annual average daily traffic). Therefore, in line with the EPUK Guidance, an air quality assessment will not be required.

Bury Council has been identified by DEFRA as an area requiring to significantly improve air quality. The required measures to do this are currently under discussion. Due to this requirement, and the requirements of the building regulations (The Building Regulations 2010, Approved Document S, Infrastructure for the charging of electric vehicles), this Section would recommend a condition be placed on any grant of permission for the provision of an EV chargepoint for each residential unit.

6. The Control of Noise (Appeals) Regulations 1975, Section 60. Control of Noise on Construction Sites

Works carried out in connection with a 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 Noise Regulations 1975.

7. Ecology

As part of any technical details application, a preliminary ecological appraisal, badger survey and a biodiversity net gain assessment would be required.

8. **Transport for Greater Manchester**

- Access to the site should be designed to ensure the provision of tactile paving and dropped kerbs.
- TfGM would suggest that a review is undertaken of the Traffic Regulation Orders in the vicinity of the development, with a view to introducing additional parking restrictions as appropriate, as well as ensuring adequate parking restrictions remain in place, and are refreshed accordingly. This will help to discourage pavement parking associated with the development and therefore assist in improving the quality of the surrounding public realm.

TfGM would refer to the LHA to confirm whether the quantum of development triggers the requirement for a Travel Plan. If this is not required, TfGM would recommend that a Travel Pack is produced which could include useful details of the nearest public transport services, journey planning etc.

9. **Metrolink response**

Metrolink runs in a fairly deep cutting on ballasted track adjacent to the proposed development site and it is of paramount importance that the stability of this cutting slope, any retaining structures or the trees are not compromised by the works on the site or by changes to the drainage in the vicinity.

Close liaison with TfGM and the Metrolink Operator and Maintainer (KAM) will be required to ensure that the cutting slope is not destabilised by the works and it may be that monitoring of the slope and track will be required for the duration of the works.

A suitable fence would need to be proposed along the boundary that is shared with Metrolink and where any vehicle movements are close to the boundary a suitable vehicle restraint barrier installed along the boundary to prevent errant vehicles breaching the boundary and entering the tramway.

It does not appear that the development includes a sub station but if this was the case we would ask that the potential impacts on Metrolink from EMC and Stray Current are addressed and we would request Conditions in this regard. It is worth noting that even if there is no requirement for this the developer should consider the impacts of stray current from Metrolink on the development.

Listed below are the likely Conditions that we would request unless the subject matter is adequately addressed in the full Planning submission, although clearly these may vary depending on the details of the development. It may also be likely, due to the proximity of the development and potential to adversely impact Metrolink infrastructure and/or operations, that Metrolink will require that an Asset Protection Agreement is entered into for the duration of the works.

Likely conditions

1. Working safely near Metrolink

No development shall take place until a Construction Management Plan (CMP) with detailed method statements of construction and risk assessments, has been submitted to, and approved in writing by Bury Council (approval to be in consultation with Transport for Greater Manchester). The approved CMP shall include agreed safe methods of working adjacent to the Metrolink Hazard Zone and shall be adhered

to throughout the construction period. The CMP shall provide for: -

- o the retention of 24hr unhindered access to the trackside equipment cabinets and chambers for the low voltage power, signalling and communications cables for Metrolink both during construction and once operational.
- o loading and unloading of plant and materials;
- o storage of plant and materials used in constructing the development;
- o construction and demolition methods to be used; including the use of cranes (which must not oversail the tramway);
- o measures to control the emission of dust and dirt during construction.

Reasons:

To safeguard the amenities of the locality.

To ensure that the developer complies with all the necessary system clearances and agrees safe methods of working to meet the safety requirements of working above and adjacent to the Metrolink system. Further details can be found via the Metrolink Website at; <https://www.tfgm.com/public-transport/tram/working-safely>

2. Boundary Treatment

No development shall take place until full details of the boundary treatment to the Metrolink tramway adjacent to the Metrolink infrastructure have been submitted to, and approved in writing by Trafford Council as Local Planning Authority (approval to be in consultation with Transport for Greater Manchester).

Reason: To ensure that an appropriate boundary treatment is installed on the boundary of the Metrolink tramway and that adjacent landscaping/urban realm is not detrimental to Metrolink Operations.

3. Drainage

No development shall take place, until the detailed design for the drainage of the development has been submitted to and approved in writing by Trafford Council as Local Planning Authority (approval to be in consultation with Transport for Greater Manchester).

Reason: To manage the risks associated with water run-off onto the Metrolink infrastructure and tramway pursuant to policies

4. Track and slope monitoring during construction works

Excavation is not to be carried out within 1m of the Metrolink operational boundary or any piling works within the zone of influence without notifying Metrolink in advance and obtaining approval. Any such works may require track or slope monitoring to be carried out as agreed with Metrolink and at the cost to the developer.

Reason: To ensure that the development does not adversely affect the track alignment and therefore the operation of Metrolink

5. Tree Protection

No development shall take place until full details of the root protection to the trees located within the Metrolink boundary have been submitted to, and approved in writing by, the Local Planning Authority (approval to be in consultation with Transport for Greater Manchester) and a design to demonstrate that the development will not impact the stability of the trees and therefore the cutting slope.

Reason: To protect trees against root damage and to maintain the stability of the trees such that they do not fail and impact Metrolink infrastructure.

6. Vehicle Restraint Measures

No development shall take place until the scope and specification of vehicle restraint measures to be installed along part of the boundary of the development which is shared with Metrolink and has potential to be used by vehicles has been submitted to, and approved in writing by Trafford Council as Local Planning Authority (approval

to be in consultation with Transport for Greater Manchester).

Reason:

1. To protect Metrolink infrastructure.
2. To safeguard the amenities of the locality.

10. Highways

As part of a Technical Details submission, the applicant would need to address the Highway reasons for refusal -

The proposal and cumulative pedestrian and vehicle traffic generated would result in the intensification of use of the unadopted site access (Holcombe Grove) that is substandard in terms of pedestrian facilities, widths and forward visibility for the number of dwellings now proposed to be served, significantly in excess of the original highway design parameters, which is likely to lead to pedestrian and vehicular conflicts on the access road and at the junction of Holcombe Grove with New Road to the detriment of the free flow of traffic and road and pedestrian safety.

Information at the Technical Details Stage should include (but not be limited to) all details relating to the proposed access to the site to support the level of development proposed, including improvement works, adequate visibility and measures to facilitate pedestrian access which will need to satisfy the Local Highway Authority. A topographical plan will be required.

A scheme of mitigation measures will be required by Greater Manchester Fire and Rescue Service (GMFRS) to overcome the site's emergency access deficiencies. The details/measures should incorporate the installation of a residential sprinkler/misting system at each dwelling meeting the requirements of BS 9251:2014, or other subsequent standard that meets the requirements of GMFRS, and thereafter maintained at all times.

Measures to ensure that the requirements of Approved Document B for Fire Service access/fire safety under the Building Regulations should be met, including, but not limited to, the following:

- The Fire Service requires vehicular access for a fire appliance to within 45m of all points within the dwellings.
- The access road should be a minimum width of 4.5m and capable of carrying 12.5 tonnes. Additionally if the access road is more than 20m long a turning circle, hammerhead, or other turning point for fire appliances will be required, preventing a fire appliance from having to reverse more than 20m.
- The maximum length of any single access cul-de-sac network should be 250 meters. A secondary access may be required depending on the length of the access road.
- There should be a suitable fire hydrant within 165m of the furthest dwelling.

11. The Council currently operates a curtilage system of refuse collection. The applicant is advised to liaise with Waste Management, Bradley Fold Depot on 0161 253 6621/7010, regarding the operation of this system.

Signed:



15 of 15

.....
On behalf of the Council

Date of Decision: 14/02/2024