

NOTICE OF REFUSAL OF PLANNING PERMISSION

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

To:

Mr Simon Plowman
Plan: 8 Town Planning Ltd
M10 Maxron House
Green Lane
Romiley
Stockport
SK6 3JQ

On Behalf Of:

Mr Ben Riley
BCR Estates Ltd
425 Holcombe Road
Greenmount
Bury
BL8 4HB

PART 1 - Particulars of Application

Application Number: 72920

Date of Registration: 23/04/2026

Proposal:

Application for permission in principle for
erection of 5 no. dwellings

Location:

Land at Orkney Close/rear of 77 Bury Road,
Radcliffe, M26 2WR

PART 2 - Particulars of Decision

The Bury Metropolitan Borough Council hereby give notice in pursuance of the provisions of the Town and Country Planning Act 1990 that permission has been **REFUSED** for the carrying out of the development referred to in Part 1 hereof for the following reasons:-

- 1 The application and submitted plans contain insufficient information in relation to flood risk to enable the impact upon the site and surrounding area to be properly assessed. Therefore, the proposed development would fail to comply with Policy JP-S4 - Flood Risk and the Water Environment of the Places for Everyone Joint Development Plan.

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	EN1 - Built Environment
EN6/3	EN6/3 - Features of Ecological Value
EN7/5	EN7/5 - Waste Water Management
HT2/4	HT2/4 - Car Parking and New Development
SPD6	Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties.
SPD11	Development Control Policy Guidance Note 11 - Parking Standards in Bury
JP-C2	Digital Connectivity
JP-C5	Streets For All

JP-C6	Walking and Cycling
JP-C8	Transport Requirements of New Development
JP-G8	A Net Enhancement of Biodiversity and Geodiversity
JP-H1	Scale of New Housing Development
JP-H3	Type, Size and Design of New Housing
JP-H4	Density of New Housing
JP-P1	Sustainable Places
JP-S2	Carbon and Energy
JP-S4	Flood Risk and the Water Environment
JP-S1	Sustainable Development
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:

3443:01 G

3443:10 F

Planning statement - February 2026

NOTES TO APPLICANT

1. Strategic Planning & Infrastructure

Type, Size and Design of New Housing - PfE Policy JP-H3 - Seeks to provide an appropriate mix of dwelling types and sizes.

In accordance with JP-H3, all new dwellings must 1. comply with the nationally described space standards (NDSS) and 2. be built to the 'accessible and adaptable standard in Part M4(2) of Building Regulations unless specific site conditions make this impracticable.

These policy requirements will need to be met at the Technical Details Stage, with M4(2) secured as a planning condition.

2. Traffic Section

No objections, subject to the conditions and informatives listed below:

Notwithstanding the details indicated on approved plan reference IG1-02 Revision B, full details of the following highway aspects shall be submitted at first reserved matters application stage:

1. Topographical survey of the site and surrounding adopted highways to confirm the correct limits of adoption;
2. Formation of the proposed means of access to the site from Orkney Close to a specification to be agreed, incorporating the reinstatement of the redundant access, widening of the block paved carriageway to a minimum of 5.5m in width across the proposed junction, widening of the northerly footway abutting the site to a minimum of 1.8m in width and all necessary highway and highway drainage remedial works;
3. Formation of pedestrian accesses to the plots fronting Bury Road including all alterations required to the existing boundary treatment and all necessary highway remedial works;
4. Provision of visibility splays at the proposed junction with Orkney Close in accordance with the standards in Manual for Streets;
5. Adequate in-curtilage bin storage arrangements at each plot and refuse collection

- facilities at the interface with the adopted highway for use on collection day, to be agreed with Waste Management;
6. Proposed internal private road/footway layout to the appropriate standards in Manual for Streets;
 7. Adequate turning facilities within the curtilage of the site with associated swept path analysis;
 8. Provision of a street lighting scheme for the proposed residential development and the junction of the proposed access with Orkney Close and proposals to improve existing lighting levels if required as a result of the assessment.
- The details subsequently approved shall be implemented to an agreed programme and to the written satisfaction of the Local Planning Authority.

No development shall commence unless and until a 'Construction Traffic Management Plan' (CTMP), has been submitted to and agreed in writing with the Local Planning Authority and shall confirm/provide the following:

- Access route for demolition/construction traffic from the highway network;
- Hours of operation and number of vehicle movements;
- Arrangements for the turning and manoeuvring of vehicles within the curtilage of the site;
- Parking on site or on land within the applicant's control of operatives' and demolition/construction vehicles together with storage on site of demolition/construction materials.

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/construction period. The areas identified shall not be used for any other purposes other than the turning/parking of vehicles and storage of demolition/construction materials.

No development shall commence unless and until details have been submitted to and approved by the Local Planning Authority to cover measures to ensure that all mud and other loose materials are not carried on the wheels and chassis of any vehicles leaving the site and measures to minimise dust nuisance caused by the operations. The approved details shall be implemented and maintained thereafter during the period of demolition/construction.

The car parking indicated on approved plan reference IG1-02 Revision B shall be surfaced, demarcated and made available for use for use to the written satisfaction of the Local Planning Authority prior to the development hereby approved being occupied and thereafter maintained at all times.

This recommendation relates to revised plan reference IG1-02 Revision B received by this Section on 07 March 2017.

It is brought to the attention of the applicant that the internal road internal layout shown on approved plan reference IG1-02 Revision B would not be eligible for adoption by the Council.

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

The applicant's attention is drawn to Section 80 of the Building Act 1984 and the need to give six weeks prior written notice to the Department for Resources and Regulation detailing any proposed demolition works in connection with the proposed development.

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

3. Drainage Section

No objections, subject to a condition and informatives below:

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) or subsequent revisions of it. This must include assessment of potential SuDS options for surface water drainage with appropriate calculations and test results to support the chosen solution. Design details should comply with guidance contained in the Greater Manchester's Sustainable Drainage Design Guide, March 25. Details of proposed maintenance arrangements should also be provided.

The site is to be drained on a separate system of drainage with surface water and foul sewage being combined at the last manhole before connection to public sewer.

Surface water discharge to be limited to existing flow from site less a minimum 40% 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 and Unitary Development Plan Policy EN5/1 - New Development and Flood Risk 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

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

Applications for sewer requisitions should be obtained by telephoning United Utilities PLC at either Dawson House (01925 235871) or Hathersage Road (0161 609 7513)

The proposed development is situated within a High Risk Flood Zone 2/3. The Environment Agency should be consulted regarding this application

Floor levels of any proposed buildings should be a minimum of 300mm above any adjacent road.

The applicant should ensure that any proposed driveways/paved areas (in excess of 5m²) situated at the front of properties are constructed of permeable or porous materials. The applicant should refer to Dept. of Communities & Local Government publication "Guidance on the Permeable Surfacing of Front Gardens" for design & construction details.

4. GM Ecology Unit

Summary - As for the previous application, there are unlikely to be any significant ecological issues associated with this development. Issues relating to nesting birds, invasive species etc can be resolved via condition and or informative.

Ecological Survey Requirements - A preliminary ecological appraisal should be provided, the previously supplied ecology report dating from around 2021 no longer valid.

Biodiversity Net Gain (BNG) - 10% BNG may apply. Under current guidance the development exceeds the de minimis threshold. There are however proposals to increase the de minimis threshold from the end of July to 0.2ha, this development falling below this threshold. I am however unclear whether the new threshold can be applied to this application now it has been registered, even though BNG only applies to the technical details stage. I recommend guidance from legal is taken on this point.

Contributing to and Enhancing the Natural Environment - Whether or not BNG applies, mitigation for loss of trees and scrub, bird nesting opportunities and any other ecological constraints identified by the PEA will be required.

5. United Utilities

Should this proposal be approved, and an 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: Building & Developing - United Utilities

Any queries that might result from the information contained within this letter should be addressed as follows:

- From the Local Planning Authority. Please email Planning.Liaison@uuplc.co.uk
- From the Applicant. Specific email contacts related to each category of work are located beneath each section header. Alternative ways to contacts the team(s) are available in the Appendix, Section 6.0 'Contacts'.

DRAINAGE

Email: SewerAdoptions@uuplc.co.uk

Directed by the principles set out in the National Planning Practice Guidance and the new National Standards for Sustainable Drainage Systems (2025) we require developers and Local Planning Authorities, to do all that they can to avoid surface water entering the public sewer, unless absolutely necessary. This applies to all proposed development. See Appendix 1.1 'Surface Water Hierarchy'.

All options for the sustainable management of surface water must be thoroughly investigated before we will accept any surface water connections from new development to the public sewer. Where a new surface water connection to the public sewer is proposed, we will require robust evidence to demonstrate the drainage hierarchy has been fully investigated and there are no more sustainable options available for the management of surface water.

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 comments made above.

In the event of us reviewing an application for Technical Detail Consent, it is likely we may request the following 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 Standards for Sustainable Drainage Systems (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water
- (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 be in accordance with the National Standards for Sustainable Drainage Systems (2025) 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.

Please note, United Utilities is not responsible for advising on rates of discharge to the local watercourse system. This is a matter for discussion with the Lead Local Flood Authority and / or the Environment Agency (if the watercourse is classified as a main river).

Management and maintenance of Sustainable Drainage Systems (SuDS)

Without effective management and maintenance SuDS can fail or become ineffective which may have a detrimental impact on the surrounding area, including the performance of the public sewer network (where the two systems interact).

Therefore, where SuDS is included in a proposed development, we recommend the Local Authority include a condition relating to SuDS management and maintenance in any subsequent Decision Notice. An example condition is included with the Appendix, Section 2.2.

When considering their drainage proposal, it is the applicant's responsibility to investigate the existence of any infrastructure that might impact their detailed design. This includes water, wastewater, operational and/or abandoned pipelines. United Utilities will not routinely review proximity or positioning of drainage proposals in relation to existing pipelines when assessing the suitability of a specific drainage design. Where infrastructure exists, the drainage design must comply with the relevant United Utilities guidelines and/or Building Regulations. Further information is available on our website: Working near our pipes - United Utilities. Failure to consider existing infrastructure when designing a drainage proposal may result in the applicant having to redesign proposals at a later date.

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 3.0 '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. Additional information is available on our website: Working near our pipes - United Utilities

The applicant should also review United Utilities' 'Standard Conditions for Works Adjacent to Pipelines' document which can be found on our website: [standard-conditions-for-works-adjacent-to-pipelines-issued-july-2015.pdf](#).

They, or any subsequent developer working on the proposed site must adhere to the details contained within this document.

WATER EFFICIENCY IN NEW DEVELOPMENT

All new homes are required to meet the mandatory national standard of 125 litres of water used per person per day (l/p/d) as set out in Building Regulations Approved Document G. If your adopted development plan includes a policy that implements the tighter water efficiency standard of 110 l/p/d for new-build dwellings in Part 3 of Building Regulations, you should ensure that this is a condition of any planning permission you may grant. You should also consider whether there is any adopted development plan policy relating to water efficiency in the construction of non-residential development. As this is a matter for the local planning authority / building control body, United Utilities would not be involved in the discharge of conditions relating to water efficiency.

6. The Coal Authority

The Coal Authority is a non-departmental public body sponsored by the Department for Energy Security and Net Zero. As a statutory consultee, the Coal Authority has a duty to respond to planning applications and development plans in order to protect the public and the environment in mining areas.

Our records indicate that there is a mine entry present on site for which we hold some treatment details. The Coal Authority is of the opinion that building over the top of, or in close proximity to, mine entries should be avoided wherever possible, even after they have been capped, in line with our adopted policy:
<https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries>

It is noted that we have previously commented on development proposals on this site, lastly in a letter to the LPA dated 14th September 2021. Based on the information and conclusions proposed by LK Consult at this time we raised no objections subject to the works they recommended, to address potential risks posed by coal mining features, being implemented on site.

We note that this current PiP application is supported by an Addendum Coal Mining Assessment, dated 13th February 2026 and prepared by LK Consult. This report provides bespoke comments in respect of the current scheme stating that they consider grouting and piled foundations to still be relevant and that the layout, as proposed, has been designed to avoid building within the zone of influence of the shaft. This would accord with their previous proposals.

It is noted that the location of the shaft appears to have been amended on our records since 2021 and therefore consideration will need to be given to its exact location prior to any formal layout being proposed. We would also wish to see

confirmation supporting any future submission that the mine entry has been located, and the condition of the shaft cap assessed for its suitability for the scheme proposed. Information should also be provided as part of any technical details consent regarding the findings of these works and any additional remediation or remedial measures necessary, over and above the grouting and piling already recommended.

The information submitted should also include a plan showing; the as found position of the mine entry, its calculated zone of influence and how the layout has been designed to ensure adequate separation is provided between these features and any buildings proposed.

On the basis of the above the Coal Authority wish to be consulted on any future technical details consent submitted, should Planning in Principle be granted.

7. Transport for GM

The Applicant's property adjoins the Metrolink boundary where trams run on a small embankment and whilst Metrolink have no objection in principle to the proposed development, the following likely Conditions would be required should this come forward as a full application, unless the subject matter is adequately addressed in the Planning submission.

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: -

- loading and unloading of plant and materials;
- storage of plant and materials used in constructing the development;
- construction methods to be used; including the use of cranes (which must not oversail the tramway);
- the erection and maintenance of security hoardings;
- measures to control the emission of dust and dirt during construction.

Reason:

1. In the interests of highway safety.
2. To safeguard the amenities of the locality.
3. 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:- Working safely near Metrolink | Bee Network | Powered by TfGM

2 Tree Protection

Part 1 - No development shall take place until an arboricultural impact assessment has been carried out and an arboricultural method statement for tree protection to the trees located within or whose roots extend into 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). Any trees that cannot be adequately protected will need to be considered for removal to prevent future damage to Metrolink infrastructure resulting from trees that may fail in future due to excessive root damage. The impact of any tree removal on the slope will also need to be considered/addressed

Part 2 - Prior to first use of the development suitable evidence of compliance with the arboricultural method statement for the continued temporary protection and supervision of any works within the root protection areas has been submitted to, and approved in writing by, the Local Planning Authority (approval to be in consultation with Transport for Greater Manchester).

Reason: To ensure trees are protected against root damage and to maintain the status quo with regards the stability of the cutting slope.

3 Boundary Treatment & Landscaping

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

Reason: To ensure that a safe and secure boundary treatment is installed on the boundary of the Metrolink and that the adjacent landscaping is not detrimental to Metrolink Operations or is likely to introduce invasive species on to Metrolink land.

4 Noise and Vibration

Prior to the commencement of development a scheme for acoustically insulating the proposed development against noise and vibration from the adjacent Metrolink line shall be submitted to and approved in writing by Bury Council as local planning authority. The approved noise insulation scheme shall be completed before the use of the development commences.

Reason: To secure a reduction in noise from Metrolink in order to protect future residents from noise nuisance, pursuant to policies

8. Environment Agency

Advice to LPA - Flood Risk Standing Advice - The proposed development falls within Flood Zones 2 and 3, which is land defined in the planning practice guidance as being at risk of flooding. We have produced a series of standard comments for local planning authorities and planning applicants to refer to on 'lower risk' development proposals. These comments replace direct case-by-case consultation with us. This proposal falls within this category.

These standard comments are known as Flood Risk Standing Advice (FRSA). They can be viewed at

<https://www.gov.uk/guidance/flood-risk-assessment-for-planning-applications#when-to-follow-standing-advice>.

We recommend that you view our standing advice in full before making a decision on this application. We do not need to be consulted.

Signed:



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On behalf of the Council

Date of Decision: 16/07/2026