

DELEGATED REPORT

Report by Dave Marno	Date of report: 19/12/2025	Ref: 72601/CONDIS
Registration: 01/12/2025	LDFC: 31/12/2025	Expiry Date: 26/01/2026
Site Visit:	Site Notice: N/A	Press Date: N/A
Objections:	Con Area:	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level:
		Stat Class: NREQ

Proposal: Application to discharge condition nos. 8,9,10,11 & 12 (all ground contamination) Condition no. 13 (drainage) on planning permission 71775 - Erection of 5no. covered padel courts, conversion of existing building to clubhouse, provision of accessible WC and shower unit and associated car parking, cycle parking and access works

Location: Former Castlecroft Caravan Centre, Land at rear of Eton Hill Road, Radcliffe, Bury, M26 2ZT

Description

DOC For condition discharge following approval of application 71775
Condition 13 - drainage
8,9,10,11 & 12 (all ground contamination)

Relevant Planning History

N/A

Publicity

N/A

Statutory/Non-Statutory Consultations

Borough Engineer - Drainage Section
Environmental Health - Contaminated Land
United Utilities (Water and waste)

See assessment below.

Pre-start Conditions - Not relevant

Development Plan and Policies

Issues and Analysis

The following report includes analysis of the merits of the application against the relevant policies of both the National Planning Policy Framework (NPPF), the adopted Places for Everyone Joint Development Plan Document (PfE) and the saved policies within the adopted Bury Unitary Development Plan (UDP), together with other relevant material planning considerations.

The policies of the UDP that have been used to assess this application are considered to be in accordance with the NPPF and as such are material planning considerations. For simplicity, just the UDP and PfE Policies will be referred to in the report, unless there is a particular matter to highlight arising from the NPPF where it would otherwise be specifically mentioned.

Equality Act 2010: All planning applications are considered in light of the Equality Act 2010 and associated Public Sector Equality Duty, where the Council is required to have due regard for:

The elimination of discrimination, harassment and victimisation;

The advancement of equality of opportunity between persons who share a relevant protected characteristic and person who do not share it;

The fostering of good relations between persons who share a relevant protected characteristic and person who do not share it; which applies to people from the protected equality groups.

Human Rights: All planning applications are considered against the provisions of the Human Rights Act 1998.

Under Article 6 the applicants (and those third parties who have made representations) have the right to a fair hearing and to this end full consideration will be given to their comments.

Article 8 and Protocol 1 of the First Article confer a right to respect private and family life and a right to the protection of property, ie peaceful enjoyment of one's possessions which could include a person's home, and other land and business assets.

In taking account of the Council policy as set out in the Bury Unitary Development Plan 1997 and all material planning considerations, it is concluded on balance that the rights conferred upon the applicant/ objectors/ residents/ other interested party by Article 8 and Article 1 of the First Protocol may be interfered with, since such interference is in accordance with the law and is justified in the public interest. Any restriction of these rights posed by refusal/ approval of the application is legitimate since it is proportionate to the wider benefits of such a decision, is based upon the merits of the proposal, and falls within the margin of discretion afforded to the Council under the Town & Country Planning Acts.

The Crime and Disorder Act 1998 imposes (without prejudice to any other obligation imposed on it) a duty upon the Council to exercise its functions and have due regard to the likely effect of the exercise of its functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area. In so doing and on making planning decisions under the Town and Country Planning Acts, the material Planning considerations shall have due regard to the provisions of the Crime and Disorder Act 1998 and its implications in the exercise of its functions.

Condition 13 - drainage

UU have replied to the consultation that demonstrates that there is a private water scheme operating within the site. The proposals will not require any new connections into the drainage waste/water systems outside of the site. UU have confirmed that the site proposals are more akin to a change of use rather than site redevelopment. As such, United Utilities has no objection to condition 13 being discharged based upon:

Drainage Statement Document Ref FRA251270-Drainage Statement-Love Padel, Radcliffe-RO, Rev 0 - Dated 28/11/2025. **Condition is discharged.**

8,9,10,11 & 12 (all ground contamination) - Response from Contaminated land team have assessed the scheme report to deal with contaminated land conditions. They confirmed:

8 - Satisfied with the measures described. **Condition is discharged.**

9 - Ensure appropriate depth of cover system and topsoil for landscaping such that there would be no cross contamination. This is cross referenced in 72510. There needs to be a depth of between 600mm and 900mm for tree pits above the contaminated land cover material. On the basis of this being provided, there would be no objection. Condition can be discharged on the above basis. Condition 10 will need to encapsulate written confirmation

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following implementation and prior to first use. **Condition is discharged.**

10. Requires validation following implementation and prior to first use. It is therefore a post development compliance condition. As such this condition request to discharge is premature. Condition request is **Refused.**

11. Unexpected contamination - validation following implementation and prior to first use. It is therefore a post development compliance condition. As such this condition request to discharge is premature. Condition request is **Refused.**

12. Imported Material - Soil is to be imported as a remedial action. As such, this condition is no longer warranted and is discharged. **Condition is discharged.**

Recommendation:

Conditions and Reasons:

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
DM	19/12/25	HL	19/12/25