

DELEGATED REPORT

Report by Jennie Townsend	Date of report: 26/06/2026	Ref: 72016/CONDIS
Registration: 06/06/2025	LDFC: 10/07/2025	Expiry Date: 01/08/2025
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: DEL
		Stat Class: NREQ

Proposal: Application to discharge condition 3 (Preliminary Risk Assessment), condition 7 (Natural England Licence), condition 8 (Non-native Invasive Species Management Plan), condition 10 (CTMP), condition 14 (materials) pursuant to application 70409

Location: Ivy Bank, Walmersley Old Road, Bury, BL9 6RU

Description

Application to discharge condition 3 (Preliminary Risk Assessment), condition 7 (Natural England Licence), condition 8 (Non-native Invasive Species Management Plan), condition 10 (CTMP), condition 14 (materials) pursuant to application 70409

Relevant Planning History

70409 - Demolition of existing building and erection of 1 no. dwelling - Approve with Conditions 14/03/2024

Publicity

n/a

Statutory/Non-Statutory Consultations

Traffic Section - No objection

Environmental Health - Contaminated Land - No objection

Greater Manchester Ecology Unit - No objection

Conservation Officer - No objection

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 3 - Site Characterisation and Remediation Strategy

This Section is satisfied that the requirements of Condition 3 have been met and that this condition can be recommended for discharge.

Phase III Implementation for Site at Ivy Bank, Walmersley, Demeter Environmental Ltd, Reference: 26-06-01 Revision 0 Final, June 2026.

Previously received and reviewed:

Phase I Desk Study Report for Site at Ivy Bank, Walmersley, Demeter Environmental Ltd, Reference: 24-08-02 Revision 0 Final, September 2024 - Part 1 and Part 2.

Phase II Site Investigation Report for Site at Ivy Bank, Walmersley, Demeter Environmental Ltd, Reference: 25-10-09 Revision 0 Final, November 2025 - Part 1 and Part 2.

The proposed remediation strategy is acceptable to this Section. The remedial works should be fully implemented in accordance with the strategy's recommendations.

Condition 7 - Bat License

Evidence has been provided that a bat license has been issued. This is valid until 2029. GMEU have been consulted and have no reason to doubt the authenticity of the license

and therefore no objection to the discharge of condition 7.

Condition 8 - Updated Invasive Species survey

An updated invasive species survey has been provided. This found that the previously recorded variegated yellow-archangel had been removed as had the majority of the rhododendron. One rhododendron was still present. This plant will be dug up. GMEU have no reason to doubt the findings of the report and accept that manual excavation is suitable for this site and therefore have no objection to the prior to part of condition 8 being discharged.

Condition 10 - Construction Traffic Management Plan

A Construction Traffic Management Plan and Site Dilapidation survey has been submitted. The Highway Authority have no objection to the part discharge of the condition. The approved CTMP plan shall be adhered to throughout the construction period and the measures shall be retained and facilities used for the intended purpose for the duration of the construction period. Any subsequent remedial works required following construction of the development shall be carried out by the applicant with to an agreed highway specification.

Condition 14 - Materials

Materials Schedule received 6/6/26.

Elevations - natural stone walling with dressed stone lintels and cills

Windows - pvcu windows frames

External cladding board - millboard, envelop shadow line

Roof - natural blue slate roofing

The proposed materials are acceptable and the Conservation Officer has no objection to the part discharge of the condition.

Recommendation: Approve

Conditions and Reasons:

The following conditions have been discharged/part discharged -

Condition 3 - The proposed remediation strategy is acceptable to this Section. The remedial works should be fully implemented in accordance with the strategy's recommendations.

Condition 7 - Bat License

Condition 8 - Invasive species survey - part discharged and to be carried out in accordance with the approved details

Condition 10 - Construction Traffic Management Plan - part discharged - The approved CTMP plan shall be adhered to throughout the construction period and the measures shall be retained and facilities used for the intended purpose for the duration of the construction period. Any subsequent remedial works required following construction of the development shall be carried out by the applicant with to an agreed highway specification.

Condition 14 - Materials - part discharged and to be implemented as approved.

Phase III Implementation for Site at Ivy Bank, Walmersley, Demeter Environmental Ltd, Reference: 26-06-01 Revision 0 Final, June 2026.

Phase I Desk Study Report for Site at Ivy Bank, Walmersley, Demeter

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Environmental Ltd, Reference: 24-08-02 Revision 0 Final, September 2024 - Part 1 and Part 2.

Phase II Site Investigation Report for Site at Ivy Bank, Walmersley, Demeter Environmental Ltd, Reference: 25-10-09 Revision 0 Final, November 2025 - Part 1 and Part 2.

Natural England License ref: 2024-67982-EPS-MIT date issued 3/4/24
To be carried out accordingly.

Non-native Invasive Species Management Plan by mulberry 22/5/25

Construction Traffic Management Plan and Site Dilapidation Survey

Materials Schedule received 6/6/25

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JT	26/6/26	HL	26.06.2026