

DELEGATED REPORT

Report by Tom Beirne	Date of report: 19/11/2025	Ref: 72378/CONDIS
Registration: 12/09/2025	LDFC:	Expiry Date: 07/11/2025
Site Visit:	Site Notice: N/A	Press Date: N/A
Objections:	Con Area:	Adv Type: N/A
Reason for Delay:		EIA: NA
N/A		Dec Level: DEL
		Stat Class: NREQ

Proposal: Application to discharge conditions on planning permission 69459: Condition 3 (materials), condition 5 (contaminated land & ground/landfill gas risk), condition 6 (remediation strategy), condition 7 (drainage scheme), condition 8 (landscaping scheme), condition 9 (details of foundations/drainage/highway remedial works), condition 10 (construction traffic management plan)

Location: Land adjacent to 35 Hilton Street, Bury, BL9 6LT

Description

The application relates to discharge of the following conditions on planning permission 69459:

Condition 3 - External finishing materials),
Condition 5 - Contaminated land & ground/landfill gas risk,
Condition 6 - Remediation strategy,
Condition 7 - Drainage scheme,
Condition 8 - Landscaping scheme,
Condition 9 - Details of foundations/drainage/highway remedial works,
Condition 10 - Construction traffic management plan.

Relevant Planning History

69459 - Erection of 2 no. terraced dwellings - Approve with Conditions 26/07/2023

Publicity

N/A

Statutory/Non-Statutory Consultations

Traffic Section - Discharge subject to the surface course replacement of the footway on Chesham Street.

Drainage Section - Discharge.

Environmental Health Contaminated Land - Discharge.

United Utilities (Water and waste) - Discharge.

Pre-start Conditions - N/A

Development Plan and Policies

NPPF	National Planning Policy Framework
EN1/2	Townscape and Built Design
H1/2	Further Housing Development
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
HT2/4	Car Parking and New Development
EN7	Pollution Control
SPD11	Parking Standards in Bury

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.

All the conditions listed above can be discharged. Condition 9 highway works can be discharged subject to the surface replacement of the footway along Chesham Road.

Recommendation: Approve

Conditions and Reasons:

The following conditions on planning permission 69459 are hereby discharged:

- Condition 3 - External finishing materials),
- Condition 5 - Contaminated land & ground/landfill gas risk,
- Condition 6 - Remediation strategy,
- Condition 7 - Drainage scheme,
- Condition 8 - Landscaping scheme,
- Condition 10 - Construction traffic management plan.

The following condition has been part discharged. Full discharge subject to the satisfactory replacement of the surface of the footway along Chesham Road. Completed works to be approved in writing by the Local Planning Authority.

Condition 9 - Details of foundations/drainage/highway remedial works.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
Tom Beirne	19/11/2025	DM -	19/11/2025