

DELEGATED REPORT

Report by Jennie Townsend	Date of report: 09/06/2026	Ref: 73025/CONDIS
Registration: 27/03/2026	LDfC: 06/05/2026	Expiry Date: 22/05/2026
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 12 (Risk Assessment Requirements) and 13 (Remediation Requirements) of planning permission 71758

Location: Land at side of 31-33 Victoria Court, Ryecroft Avenue, Tottington, Bury, BL8 3GY

Description

Application to discharge conditions 12 (Risk Assessment Requirements) and 13 (Remediation Requirements) of planning permission 71758

Relevant Planning History

71758 - Erection of 1 no. detached dwelling; Alterations to parking areas at front of 31 & 33 Victoria Court 25/6/25

Publicity

n/a

Statutory/Non-Statutory Consultations

Environmental Health - Contaminated Land - No objection to the discharge of conditions 12 and 13.

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 12 - Pre-commencement: Site Characterisation

The EH Section are satisfied that the requirements of this condition have been met and that Condition 12 can be recommended for discharge.

Condition 13 - Pre-commencement: Remediation Strategy

The EH Section is satisfied that the requirements of this condition have been met and that Condition 13 can be recommended for discharge.

- Site Investigation and Ground Assessment, Victoria Court, BEK Enviro Ltd, Reference: BEK-25152-1 Final, November 2025.
- Letter Report - Ground Gas Risk Assessment, Land at Victoria Court, Bury, BEK Enviro Ltd, Reference: BEK-25152-260116-JNBC, 16 January 2026.
- Risk Assessment for Water Pipes, Victoria Court, Bury, BL8 3HF, BEK Enviro Ltd, 4 March 2026.
- Letter Report - Additional Site Investigation Report, Land at Victoria Court, Bury, BEK Enviro Ltd, Reference: BEK-25152-260310-JNBC, 10 March 2026
- Phase I Desk Study and Preliminary Contaminated Land Risk Assessment Land at Victoria Court, Bury, GeoAssist Limited, Reference: 6171/VVC V1.0 PCLRA, November 2024.
- Remediation Strategy & Validation Plan, Victoria Court, Tottington, Bury (Planning Ref: 71758), JN Building Contractors Ltd, 15 May 2026.

For information.

Condition 14 - A verification report and materials management are required.

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- (i) A materials management plan, if the CL:AIRE Definition of Waste Code of Practice is to be used.
- (ii) After completion of site works, a verification report is required to validate that the work undertaken conforms to the remediation proposals received and agreed by this Section.

Recommendation: Approve

Conditions and Reasons:

The following conditions are discharged -

Condition 12 - Site Characterisation

Condition 13 - Remediation Strategy

- Site Investigation and Ground Assessment, Victoria Court, BEK Enviro Ltd, Reference: BEK-25152-1 Final, November 2025.
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<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JT	9/6/26		