

DELEGATED REPORT

Report by Jennie Townsend	Date of report: 26/08/2025	Ref: 72182/CONDIS
Registration: 15/07/2025	LDFC: 29/08/2025	Expiry Date: 09/09/2025
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 6 (bird nest survey) on planning permission 70993

Location: Warth Industrial Park, Warth Road, Bury, BL9 9NB

Description

Application to discharge condition 6 (bird nest survey) on planning permission 70993

The applicant has carried out a bird nest survey.
GMEU have been consulted on the application.

Relevant Planning History

70993 - Demolition of existing class B2/B8 industrial buildings and class E(g) offices; Recladding and refurbishment of retained class B2/B8 industrial buildings and change of use of retained Class E(g) and Sui Generis to Class B2/B8 - Approve with Conditions 17/01/2025

71825 - Application to discharge conditions on planning permission 70993: Condition 7 (hogweed removal scheme), condition 8 (landscaping), condition 9 (hogweed removal images/protection measures), condition 11 (new gate arrangements/main site access/reinstatement of tertiary site access/signage scheme/new give way markings), condition 12 (construction traffic management plan) - Approve 22/05/2025

71916 - Application to discharge condition 17 (contaminated land) on planning permission 70993 - current application.

72130 - Application to discharge condition 18 (foundations) on p/p 70993
- current application

Publicity

n/a

Statutory/Non-Statutory Consultations

Greater Manchester Ecology Unit - 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 6 - nesting bird survey

GMEU have been consulted and respond that a bird nest survey has been carried out. However, it is unclear when the survey occurred as it is not dated and therefore may no longer be valid.

GMEU would however also note that it is nearly the end of the bird nesting season and the consultant provided emergency contact details in the event a nesting bird is found. Given the low risk nature of the buildings, GMEU are therefore satisfied that no further information is required at this time and as long as the building is demolished by March 2026, no further information is required at this time.

The condition can therefore be discharged and will include a caveat that the building be demolished by March 2026, otherwise a further survey will be required.

Recommendation: Approve

Conditions and Reasons:

Condition 6 for the submission of a bird nest survey is approved subject to the demolition of the building prior to March 2026.

<u>Case Officer</u> JT 26/8/25	<u>Date</u>	<u>Sign off Officer</u> DM - 01/09/2025	<u>Date</u>
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