

DELEGATED REPORT

Report by Helen Leach	Date of report: 17/08/2026	Ref: 73222/CONDIS
Registration: 19/05/2026	LDFC: 22/06/2026	Expiry Date: 14/07/2026
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 condition 18 (Management and Maintenance of Unadopted Areas) and condition 25 (Parking Provision) on planning permission 70015 (amended by 71532)

Location: Kempton Heaton Avenue, situated between Bury Cemetery & Peachment Place, Bury

Description

The applicant seeks the discharge of condition 18 (management and maintenance of unadopted areas and 25 (parking provision) of permission 71532.

Relevant Planning History

70015 - Erection of 18 no. supported living apartments (Class C2) and 25 no. dwellings (Class C3), construction of a new vehicle access point and associated parking and landscaping at Kemp Heaton Avenue, Bury. Approved with conditions - 12 July 2024.

71532 - Variation of condition no. 2 (approved plans) and condition 15 (drainage design) of planning permission 70015 - removal of louvres from windows of the houses, bungalows and cottage flats; amendments to landscaping and additional information added to drainage design and layout at Kemp Heaton Avenue, Bury. Approved with conditions - 8 July 2025

73220 - Non-material amendment following grant of planning permission 71532 (Variation of condition no. 2 (approved plans) and condition 15 (drainage design) of planning permission 70015 - removal of louvres from windows of the houses, bungalows and cottage flats; amendments to landscaping and additional information added to drainage design and layout):

(i) substitution of a small number of drawings under Condition 2 to regularise minor plan-based refinements, and (ii) an update to the drainage drawing/reference under Condition 15 to reflect a below-ground surface water pumping chamber required by a third-party constraint at Kemp Heaton Avenue, Bury. Refused - 10 June 2026.

Publicity

None required.

Statutory/Non-Statutory Consultations

Traffic Section - Object to change to parking layout.

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 18 - A statement has been submitted from the applicant, which confirms the areas which would be subject to private management and maintenance. The statement confirms that a service charge would be applicable and would be used for management and maintenance, including the setup of a sinking fund. As such, the statement would satisfy the requirements of condition 18, which is recommended for discharge.

Condition 25 - Originally the parking layout was being amended. However, this was not possible for a number of reasons so the plan has been amended back to the previously approved layout. As such, the level of parking would be acceptable and condition 25 would be discharged.

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Recommendation: Approve

Conditions and Reasons:

The following conditions have been discharged:

Condition 18

Statement from Great Places

Proposed site plan - 12551-AEW-SI-XX-DR-A-0503 P29

EV charging plan - 12551-AEW-XX-XX-DR-A-6001 C03

Condition 25

Proposed site plan - 12551-AEW-SI-XX-DR-A-0503 P29

EV charging plan - 12551-AEW-XX-XX-DR-A-6001 C03

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
HL	17/8/26	DM	18/8/2026