

DELEGATED REPORT

Report by Helen Leach	Date of report: 01/04/2025	Ref: 71651/CONDIS
Registration: 24/02/2025	LDfC: 21/03/2025	Expiry Date: 21/04/2025
Site Visit:	Site Notice: N/A	Press Date: N/A
Objections:	Con Area:	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level:
		Stat Class: NREQ

Proposal: Application to discharge condition 6 (precaution measures working method statement) and condition 7 (invasive plant species survey) on planning permission 70903

Location: Land at Pyramid Park, Market Street, Bury, BL9 0BG

Description

The applicant seeks permission to discharge conditions 6 (precaution measures working method statement) and 7 (invasive plant species survey) of permission 70903.

Relevant Planning History

70903 - Land remediation works, construction of vehicular access road and footway from Market Street with associated infrastructure and structural works at land at Pyramid Park, Market Street, Bury. Approved with conditions - 19 December 2024.

Publicity

None required.

Statutory/Non-Statutory Consultations

GM Ecology Unit - No objections to the discharge of condition 6 and the part discharge of condition 7.

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 - A method statement has been submitted which is thorough and covers best practice for bats, amphibians, badger and hedgehog. A plan has also been submitted, which indicates the trees to be retained and fenced off and areas where the method statement would apply.

GM Ecology Unit has no objections to the discharge of this condition.

Condition 7 - An invasive plant species survey was submitted as part of the discharge application and proposes excavation of the invasive species and disposal to a licensed landfill. GM Ecology Unit have no objections to this approach.

The survey notes that the roots of Japanese Knotweed may extend in the Market Street bridge, which would prevent full excavation. The management plan notes that if this is the case a change to the management plan would be required. The options would be the installation of a root barrier or monitoring and herbicide treatment of any regrowth. As such, GM Ecology Unit recommends the part discharge of the condition as an update to the management plan is required prior to completion of the removal of the invasive species.

Recommendation: Approve

Conditions and Reasons:

- 1 The conditions listed below are approved:
Condition 6 - National Vegetation Classification Survey Technical Report, dated July 2024, Precautionary Working Method Statement, dated January 2025, Areas of high importance, dated 28/03/2025

The condition listed below is part discharged:

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Condition 7 - Land at Pyramid Park – Invasive Non-Native Species (INNS)
Treatment Specification Technical Note, dated October 2024

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
HL - 01/04/2025		DM	10/04/2025