

DELEGATED REPORT

Report by Tom Beirne	Date of report: 04/11/2025	Ref: 72442/CONDIS
Registration: 23/10/2025	LDFC: 17/11/2025	Expiry Date: 18/12/2025
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 4 (remediation) on planning application 70033

Location: Topping Mill, Topping Street, Bury, BL9 6DR

Description

The application relates to a previously redundant red brick two storey mill on the south side of Topping Street that has been converted into apartments.

Topping Street itself runs on an east west axis with access on to Walmersley Road (A56) to the west and on to Taylor Street at its eastern end. The wider area around the site is mixed, although the area to the north and west is more residential in character and the area to the south and east, comprising the Freetown Employment Generating Area, predominantly, but not exclusively, commercial/industrial.

The application seeks to discharge condition 4 of the previous approval which relates to contaminated land remediation.

Relevant Planning History

70033 - Amend condition 2 (approved drawings) - Approved 17/11/2023

65525 - Change of use of former industrial premises (Class B2) into 15 no. residential apartments (Class C3)) - Approved 25/08/2021

Publicity

N/A

Statutory/Non-Statutory Consultations

Environmental Health - Recommended approval.

Pre-start Conditions - N/A

Development Plan and Policies

EN7 Pollution Control

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.

Analysis - Application to discharge condition 4 (remediation) on the previous planning applications 70033 (amendment to condition) and 65525 (Change of Use).

The Environmental Health Section is satisfied that the requirements of Condition 4 have been met and that this condition can be fully discharged.

Recommendation: Approve

Conditions and Reasons:

The Environmental Health Section is satisfied that the requirements of Condition 4 have been met and that this condition can be fully discharged.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
---------------------	-------------	-------------------------	-------------

Tom Beirne

04/11/2025

HL - 04/11/2025