

DELEGATED REPORT

Report by Helen Leach	Date of report: 23/02/2026	Ref: 72730/CONDIS
Registration: 13/01/2026	LDFC: 16/02/2026	Expiry Date: 10/03/2026
Site Visit: 19/02/2026	Site Notice: N/A	Press Date: N/A
Objections:	Con Area:	Adv Type: NONE
Reason for Delay:		EIA: NA
N/A		Dec Level: DEL
		Stat Class: NREQ

Proposal: Application to discharge condition 6 (EV Charging points), condition 10 (access, footway & bin storage), condition 11 (visibility splays), condition 12 (turning area), condition 13 (parking provision), condition 14 (drainage), condition 15 (flood risk mitigation strategy) on planning permission 66156:

Location: Land adjacent to 101 Mather Road, Bury, BL9 6RD

Description

The applicant seeks the discharge of conditions 6 (EV charging points), 10 (access, footway & bin storage), 11 (visibility splays), 12 (turning area), 13 (parking provision), 14 (drainage) and 15 (flood risk mitigation strategy) of permission 66156.

Relevant Planning History

66156 - Erection of 2 dwellings at land adjacent to 101 Mather Road, Bury. Approved with conditions - 16 August 2021.

Publicity

None required.

Statutory/Non-Statutory Consultations

Traffic Section - Object - the development has not been completed in accordance with the approved plans.

Drainage Section - No objections.

Environmental Health - Air Quality - No objections.

United Utilities - No response.

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 - Photographs of the installed EV chargers have been provided. Environmental Health - Air Quality have no objections to the condition being discharged.

Condition 10 - The proposed development has not been carried out in accordance with the approved plans (R-0611-01 Rev C and R-0611-13). The access to the dwellings is too wide and the pavement is too narrow and definitely below 1.8 metres wide. The Traffic Section has objected on this basis. As such, the condition cannot be discharged.

Condition 11 - As the proposed access has not been constructed in accordance with the approved plans, it is not possible to assess if the visibility splays are correct. The Traffic Section has objected on the basis. As such, the condition cannot be discharged.

Condition 12 - As the proposed access and turning area have not been constructed in accordance with the approved plans, it is not possible to discharge this condition. The Traffic Section has objected to the discharge of the condition.

Condition 13 - The proposed access, parking and turning area has not been constructed in accordance with the approved plans and too much parking may be provided. The Traffic Section has objected to the discharge of the condition. As such, the condition cannot be discharged.

Condition 14 - A statement has been submitted, which confirms that the drainage works have been carried out in accordance with the drainage layout plan. The Drainage Section has confirmed that there are no objections to this condition being discharged.

Condition 15 - A statement has been submitted, which confirms that the works required for flood risk have been carried out in accordance with the Flood Risk Mitigation Strategy. A compliance statement and emergency evacuation plan have also been provided. The Drainage Section has confirmed that there are no objections to this condition being discharged.

Recommendation: Split Decision

Conditions and Reasons:

1 The following conditions have been approved:

Condition 6

Contractor confirmation statement - condition 6
Confirmation of approved models
Confirmation installed prior to occupation

Condition 14

Contractor confirmation statement - condition 14
Drainage layout drawing - R-0611-26-Rev A

Condition 15

Contractor confirmation statement - condition 15
Compliance statement
Emergency evacuation plan

2 The following conditions have been refused:

Condition 10 - The development has not been carried out in accordance with the approved plan - the access to the dwellings is too wide and the pavement is too narrow.

Condition 11 - The development has not been constructed in accordance with the approved plans and the visibility splay is not correct.

Condition 12 - The access and turning area have not been constructed in accordance with the approved plans.

Condition 13 - The development has not been carried out in accordance with the approved plans and incorrect levels of parking have been provided.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
HL - 23/02/2026			