

**DELEGATED REPORT**

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| <b>Report by</b> Jennie Townsend | <b>Date of report:</b> 15/06/2026 | <b>Ref:</b> 72975/CONDIS       |
| <b>Registration:</b> 27/03/2026  | <b>LDfC:</b> 23/04/2026           | <b>Expiry Date:</b> 22/05/2026 |
| <b>Site Visit:</b>               | <b>Site Notice:</b> N/A           | <b>Press Date:</b> N/A         |
| <b>Objections:</b>               | <b>Con Area:</b>                  | <b>Adv Type:</b> N/A           |
| <b>Reason for Delay:</b><br>N/A  |                                   | <b>EIA:</b> NA                 |
|                                  |                                   | <b>Dec Level:</b> DEL          |
|                                  |                                   | <b>Stat Class:</b> NREQ        |

**Proposal:** Application to discharge condition 3 (Preliminary Risk Assessment), condition 6 (Coal Report), condition 8 (Construction Traffic Management Plan), condition 11 (Barn Owls), condition 13 (mammals and amphibians), condition 14 (Brook Ecology Statement), condition 15 (Landscaping Scheme) and condition 16 (Materials), condition 18 (Himalayan Balsam Method Statement) on planning permisison 70976

**Location:** Burnt House Farm, Turton Road, Tottington, Bury, BL8 3QF

**Description**

Application to discharge condition 3 (Preliminary Risk Assessment), condition 4 (Remediation Strategy), condition 6 (Coal Report), condition 8 (Construction Traffic Management Plan), condition 11 (Barn Owls), condition 13 (mammals and amphibians), condition 14 (Brook Ecology Statement), condition 15 (Landscaping Scheme) and condition 16 (Materials), condition 18 (Himalayan Balsam Method Statement) on planning permission 70976

**Relevant Planning History**

Erection of 1 no. detached dwelling to replace existing - Approved 20/9/24

**Publicity**

n/a

**Statutory/Non-Statutory Consultations**

Environmental Health - Contaminated Land - No objection

Traffic Section - No objection

Greater Manchester Ecology Unit - No objection

The Coal Authority - 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 3 - Site Characterisation and Remediation Strategy**

The EH Section is satisfied that the requirements of this condition have been met and that Condition 3 can be recommended for discharge.

### **Condition 6 - Coal Authority**

The Planning Team at the Coal Authority have confirmed there would be no objection to the LPA discharging Condition 6.

### **Condition 8 - Construction Traffic Management Plan**

CTMP received 14/5/26

CTMP Statement 26/3/26

The Local Highway Authority have no objection to the discharge of condition 8 subject to implementation of the approved details and any remaining requirements of the condition

### **Condition 11 - Barn Owls**

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GMEU recommended that an updated is provided prior to the demolition of the existing building. The condition should not be discharged until an updated survey has been provided.

The applicant has provided an updated assessment which found no evidence of barn owls. GMEU have no objection to the discharge of condition 11.

### **Condition 13 - Reasonable Avoidance Measures**

A very basic method statement has been provided. GMEU are however willing to accept it is adequate for this site given the location and scale of the development. GMEU therefore have no objection to the discharge of the prior to part of condition 13.

### **Condition 14 - Protection of Watercourse**

A method statement has been provided. This is proportionate to the level of risk and covers the relevant issues. GMEU are therefore satisfied that the prior to part of condition 14 can be discharged.

### **Condition 15 - Landscaping & Biodiversity**

A proposal has been provided. Whilst some of the proposed hedge species are not locally native, overall the proposed soft landscaping and bird/bat box provision are satisfactory. GMEU therefore have no objection to the discharge of the prior to part of condition 15.

### **Condition 16 - Materials**

Photograph of materials - slate and stone to be used for the development provided by email 27/3/26.

### **Condition 18 - Himalayan Balsam**

This issue is covered twice, once as a separate report and also within the Protection of Watercourse method statement. The two reports indicate an understanding of the legislation, methodology for control and biosecurity issues. GMEU also acknowledge that as this species is present outside of the site, at best control can be achieved, with recolonisation a continual issue. GMEU therefore have no objection to the discharge of the prior to part of condition 18.

**Recommendation:** Approve

### **Conditions and Reasons:**

The following conditions are discharged -

Condition 3 - Site characterisation and Remediation Strategy  
Condition 6 - Coal mining  
Condition 11 - barn owls

The following conditions are part discharged and are subject to the implementation of the approved details and any remaining requirements of the condition -

Condition 8 - Construction Traffic Management Plan  
Condition 13 - Reasonable Avoidance Measures  
Condition 14 - Protection of watercourse  
Condition 15 - Landscaping and Biodiversity  
Condition 16 - Materials  
Condition 18 - Himalayan Balsam

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Barn owl survey dated 24th May 2026  
Biodiversity Enhancement Management Plan February 2026 by Verity Webster  
Environmental Management Plan: watercourse January 2026 by verity Webster  
Preliminary Ecological Appraisal August 2022 by Verity Webster  
Mammals and Amphibians - Avoidance measures  
Himalayan Balsam statement  
Construction Traffic Management Plan 15/5/26  
Dilapidation survey/photos  
Coal Mining Investigation June 2025 CMI/1007/00  
Phase 1: Preliminary Risk Assessment for Burnt House Farm, Tottington, LK  
Consult, Reference: CL-602-LKC 22 1267-01 R0, 27 June 2022.  
Phase II Geo-Environmental Assessment, Burnt House Farm, Tottington, Bury,  
Marengo Engineering and Geotechnical, Reference: GA/1007/00, November 2025.

| <u>Case Officer</u> | <u>Date</u> | <u>Sign off Officer</u> | <u>Date</u> |
|---------------------|-------------|-------------------------|-------------|
| JT                  | 15/6/26     |                         |             |