

DELEGATED REPORT

Report by Helen Pressley	Date of report: 06/08/2026	Ref: 73380/CONDIS
Registration: 29/06/2026	LDfC: 28/07/2026	Expiry Date: 24/08/2026
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 9 (nesting birds method statement) on planning permission 71426

Location: Land adjacent to Bealey Industrial Estate, Dumers Lane, Radcliffe, Manchester, M26 2BD

Description

Planning permission has been granted for the construction of 77 no. affordable dwellings and associated access off Wild Street.

Application to discharge condition 9 (nesting birds method statement) on planning permission 71426

Relevant Planning History

71426 - Demolition of buildings and erection of 77 no. affordable dwellings and associated access off Wild Street, landscaping and parking - Approved with Conditions 11/08/2026

73105 -Application to discharge condition 6 (materials), condition 7 (construction environmental management plan (CEMP)), condition 8 (protected species survey), condition 10 (precautionary working method statement), condition 11 (invasive species), condition 12 (nesting birds & bats), condition 13 (habitat management & monitoring plan (HMMP), condition 15 (surface water drainage), condition 17 (contaminated land), condition 18 (remediation), condition 20 (unexpected contamination), condition 22 (electric vehicle charging points), condition 23 (dust emissions), condition 31 (construction traffic management plan (CTMP) and the Statutory Biodiversity Gain Plan condition on planning permission 71426 - Pending Decision

Publicity

N/A

Statutory/Non-Statutory Consultations

Greater Manchester Ecology Unit - A nesting bird survey was carried out on the 1st June. Assuming the site was cleared after that date, then the condition is discharged. Otherwise, the survey is no longer valid and a resurvey required, followed by clearance if no nests are found.

Pre-start Conditions - N/A

Development Plan and Policies

EN1/2	Townscape and Built Design
EN6/2	Sites of Nature Conservation Interest LNR's
EN6/3	Features of Ecological Value
EN6/4	Wildlife Links and Corridors

DELEGATED REPORT

EN7/2	Noise Pollution
EN7/3	Water Pollution
EN7/5	Waste Water Management
EN8/2	Woodland and Tree Planting
H1/2	Further Housing Development
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
H3	Incompatible Uses in Residential Areas
H3/1	Assessing Non-Conforming Uses
H3/2	Existing Incompatible Uses
H4/1	Affordable Housing
EC2/1	Employment Generating Areas
EC1/1	Land for Business (B1) (B2) (B8)
RT2/2	Recreation Provision in New Housing Development
HT2/4	Car Parking and New Development
JP-J1	Supporting Long-Term Economic Growth
JP-J2	Employment Sites and Premises
JP-J4	Industry and Warehousing Development
JP-C1	Our Integrated Network
JP-C2	Digital Connectivity
JP-C3	Our Public Transport
JP-C5	Streets For All
JP-C6	Walking and Cycling
JP-C8	Transport Requirements of New Development
JP-H3	Type, Size and Design of New Housing
JP-H4	Density of New Housing
JP-S2	Carbon and Energy
JP-S4	Flood Risk and the Water Environment
JP-S5	Clean Air
JP-P1	Sustainable Places
JP-P6	Health
JP-G2	Green Infrastructure Network
JP-G7	Trees and Woodland
JP-G8	A Net Enhancement of Biodiversity and Geodiversity
JP-G1	Landscape Character
NPPF	National Planning Policy Framework
SPD2	DC Policy Guidance Note 2: Wildlife Links & Corridors
SPD1	Open Space, Sport and Recreation Provision
SPD5	DC Policy Guidance Note 5: Affordable Housing
SPD6	Supplementary Planning Document 6: Alterations & Extensions
SPD11	Parking Standards in Bury
SPD14	Employment Land and Premises

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 9

No works to trees or shrubs shall occur between the 1st March and 31st August in any year unless a precautionary working method statement for nesting birds by a suitably experienced ecologist has been supplied to and agreed in writing by the Local Planning Authority. Thereafter, the development shall be implemented in full accordance with the approved details and measures.

Reason. In order to ensure that no harm is caused to a Protected Species pursuant to Bury Unitary Development Plan Policies EN6/2 - Sites of Nature Conservation Interest (LNR's and Grade B and C SBI's), EN6/3 - Features of Ecological Value, EN6/4 - Wildlife Links and Corridors, Places for Everyone Joint Development Plan Policy JP-G8: A Net Enhancement of Biodiversity and Geodiversity and Chapter 15 - Conserving and enhancing the natural environment of the National Planning Policy Framework.

A nesting bird survey was carried out on the 1st June. Assuming the site was cleared after that date, then the condition is discharged. Otherwise, the survey is no longer valid and a resurvey required, followed by clearance if no nests are found.

Recommendation: Approve

Conditions and Reasons:

- 1 The following condition of application 71426 is approved.

Condition 9 - Nesting Bird Survey.

Please note: a nesting bird survey was carried out on the 1st, 7th and 14th June. Assuming the site was cleared after that date, then the condition can be discharged. Otherwise, the survey is no longer valid and a resurvey required, followed by clearance if no nests are found. A survey would not be required if the site is cleared outside of the nesting survey (1st March and 31st August in any year).

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
HP	06/08/2026	HL	07/08/2026