

DELEGATED REPORT

Report by Claire Booth	Date of report: 06/08/2026	Ref: 73324/CONDIS
Registration: 15/06/2026	LDFC: 10/07/2026	Expiry Date: 10/08/2026
Site Visit:	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area:	Adv Type: N/A
Reason for Delay:		EIA: NA
N/A		Dec Level: DEL
		Stat Class: NREQ

Proposal: Application to discharge conditions 3 (construction management), 5 (site remediation), 8 (drainage) on planning permission 71917

Location: Fragrance Oils International Ltd, Eton Hill Road, Radcliffe, Manchester, M26 2FR

Description

Application to discharge conditions 3 (construction management), 5 (site remediation), 8 (drainage) on planning permission 71917 which granted planning permission for the demolition of an existing single storey, mixed use building and steel framed warehouse; Erection of a two storey building to provide office, research and development and warehouse facilities on the Fragrance Oils site on Eton Hill Road, Radcliffe.

It is noted that this application does not apply to discharge condition no. 4 (Site Investigations - Land Contamination) pursuant to application 71917, however some details have been submitted which would fall under the requirements of this pre-commencement condition.

Relevant Planning History

71917 - Demolition of an existing single storey, mixed use building and steel framed warehouse; Erection of a two storey building to provide office, research and development and warehouse facilities - Approve with Conditions 01/12/2025

71292 - Lawful development certificate for proposed erection of a security fence and gates - Lawful Development 13/12/2024

70901 - Erection of 2.4m high security fence including 2 electric vehicle gates and 2 manual personnel gates, access ramp and landscaping - Withdrawn by Applicant 03/09/2024

69721 - Prior approval for proposed telecommunications installation comprising of a 25.0m High Swann CS55 Lattice tower on proposed 6.0mx 6.0m concrete base, together with 6No. Antennas, 1No. GPS Module, 1No. 300mm Dish, 1No. 600mm Dish, 3No. Cabinets, 1No. Meter Cabinet and associated ancillary works. - Prior Approval Required and Granted 25/07/2023

69122 - Siting of 2 no. portakabins on the rear car park, to be used as shower/changing rooms for employees - for a temporary period of 4 years - Approve with Conditions 13/02/2023

66265 - Hazardous substances consent for the storage of substances hazardous to the environment - Storage of E1 substance hazardous to the aquatic environment in category Acute 1 or Chronic 1(130 tonnes) and storage of E2 substance hazardous to the aquatic environment in category Chronic 2 (160 tonnes), giving an aggregation of: $(130 / 100) + (160 / 200) = 2$. - Approve with Conditions 17/02/2021

DELEGATED REPORT

64003 - Extension to existing single storey building used for fork lift vehicles maintenance - Approve with Conditions 13/05/2019

62259 - Erection of new storage and loading building - Approve with Conditions 05/02/2018

60741 - Erection of single storey industrial building ancillary to existing operations - Approve with Conditions 12/12/2016

60022 - Demolition of single storey office building and creation of replacement two storey building with associated car parking - Approve with Conditions 29/06/2016

58292 - New entrance extension to front elevation; Erection of replacement 2.8m high security fence/gates to Eton Way South - Approve with Conditions 27/01/2015

57063 - Replacement of storage sheds and cycle/motorcycle store; forklift charging facilities - Approve with Conditions 19/02/2014

56606 - Variation to the staircase enclosure details approved on planning permission 55034. - Approve with Conditions 30/09/2013

55034 - Two storey office extension; New staircase enclosure - Approve with Conditions 08/05/2012

54846 - Erection of single storey security lodge and electricity sub station - Approve with Conditions 16/03/2012

53795 - Erection of 3 metre high screen wall along south west boundary; alterations to the car park layout; erection of 7 storage and feeder tanks for processing of oils - Approve with Conditions 16/05/2011

52416 - Two storey extension to existing factory (3327 m2) with associated car parking creating a total of 80 spaces (net increase 35 spaces) and new landscaping - Approve with Conditions 25/08/2010

Publicity

Not applicable.

Statutory/Non-Statutory Consultations

United Utilities (Water and waste) - No recommendations received in the 4 weeks since they asked the LPA when details would be on the council's website. The details were already on the Council's website but the documents were re-named so they would be easy for United Utilities to find.

Borough Engineer - Drainage Section - Condition no. 8 is a compliance condition.

Environmental Health - Contaminated Land - Details submitted for Condition 5 are insufficient. Condition 4 has also not been discharged.

Traffic Section - Condition 3 can be discharged

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 management)

The development hereby approved shall not be commenced unless and until facilities for the storage of construction materials have been provided within the curtilage of the site to the satisfaction of the Local Planning Authority. The facilities shall be retained for the intended purpose and the area identified shall not be used for any other purposes other than the storage of construction materials for the duration of the construction period.

Reason. To ensure that the adopted highway is not restricted/ obstructed in any way, to

maintain the integrity of the adopted highway and ensure adequate off street materials storage arrangements for the duration of the construction period, in the interests of highway safety, in accordance with Policies JP-C8 of the Places for Everyone Joint Development Plan and Policies EC3/1: Measures to Improve Industrial Areas of the Bury Unitary Development Plan and the National Planning Policy Framework.

Plans and documents submitted

Construction Highway Environment Management Plan Issue No.1, dated 01 March 2024
Document ref: CHEMPS FOIL 01

Assessment

The Local Highway Authority have advised with the above-mentioned Plan satisfies them. Provided the construction of the development is carried out in accordance with the details contained within the management plan, the condition will be complied with.

Condition 5 (Site remediation and verification)

No development hereby permitted (except demolition and site clearance) within any approved phase shall take place until the works relating to land contamination detailed below are fully completed:

In accordance with the findings of site characterisation and risk assessment as previously approved, documents from the following shall be submitted to the Local Planning Authority for approval:

- I. Remedial Options Appraisal.*
- II. Remediation Strategy.*
- III. Verification Plan.*

Reason. To prevent unacceptable risk to Human Health and Controlled Waters and to prevent pollution of the environment in accordance with the aims and Paragraphs 187(f), 196 and 197 of the National Planning Policy Framework (December 2024).

Submitted Details

- Desk Top Study (Phase 1 Investigation) for site of Proposed Development at Fragrance Oils (International) Limited, Eton Hill Road, Radcliffe, Manchester, Sub Soil Surveys Limited, Reference: 2010/91-001-DTS-Rev0, 22 December 2010.

Assessment

The preliminary risk assessment submitted is over 15 years old and was written for a previous development at Fragrance Oils. The report concluded that there was a potential risk to human health and the environment and that a site investigation and risk assessment was required.

Previous site investigations carried out at Fragrance Oils in support of past applications did not identify any significant contamination. However, the following remedial actions were agreed:

- Gas protection measures to be installed to include a proprietary gas resistant membrane (understood at the time that it was the policy of Fragrance Oils to include a gas membrane in all new buildings).
- A watching brief during excavations to identify and deal with any unforeseen contamination.
- United Utilities to be consulted to see if potable water supply pipe protection measures are required.
- Waste management documentation and testing data to be supplied for any soil material excavated and removed from site.

An updated Preliminary Risk Assessment is required to assess the risks to the human health and the environment from the proposed new development and whether remedial

actions are required to ensure the site conditions are safe for users of the approved development.

It is noted that the covering letter stated an updated report would be issued on Friday 12 June 2026. This document has not been received by the Local Planning Authority.

Based on the above, the submitted details fail to satisfy the requirements of condition nos. 4 (which has not been applied for) and no remediation or verification details have been submitted to satisfy the requirements of condition no. 5. Condition no. 5 therefore cannot be discharged.

Condition 8 (drainage)

The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted Foul & Surface Water Drainage Design Drawing Composite Drainage layout & car park facility Scheme 8 BR, which was prepared by FHA. For the avoidance of doubt No surface water will be permitted to drain directly or indirectly into the public sewer. Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason. To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding, in accordance with Policy JP-S4: Flood Risk and the Water Environment of the Places for Everyone Joint Development Plan and the National Planning Policy Framework.

Submitted Details

Drainage Statement

Drainage Photographic Evidence 1 and 2 of the attenuation storage tank as proof of construction.

Assessment

This condition is a compliance condition and therefore does not need to be discharged. Notwithstanding this, the submitted information does not demonstrate that

Conclusions

Based on the above assessments the following is recommendations are:

- Condition 3 be discharged.
- Condition 5 be refused due to the information submitted being out of date and therefore unsatisfactory and no details being submitted to discharge condition no. 4 which required site investigations.
- Condition 8 is a compliance condition and does not need to be discharged.

Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015

The proposal would not improve the economic, social and environmental conditions of the area nor does it comply with the development plan and therefore does not comprise sustainable development. There were no amendments to the scheme, or conditions which could reasonably have been imposed, which could have made the development acceptable and it was therefore not possible to approve the application. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

Recommendation: Split Decision

Conditions and Reasons:

- 1 The following planning condition pursuant to application 71917 listed below is approved:

Condition 3 (Construction Management)

Providing that the development is implemented in accordance with the details, measures and timescales identified in the approved Construction Environmental Method Statement, Issue No.1, dated 01 March 2024; Document ref: CHEMPS FOIL 01 the requirements of the condition will be complied with.

The following planning condition pursuant to planning application 71917 is refused:

5 (Site Remediation)

No information has yet been provided to satisfy the requirements of this condition.

In order for the Council to be satisfied that this development does not pose a risk to human health or the environment, the following information needs to be submitted to the Council for approval:

- (i) An updated preliminary risk assessment - required to satisfy Condition no. 4
- (ii) A site investigation and risk assessment report - required to satisfy Condition no. 4
- (iii) A detailed remediation strategy and validation plan - required to satisfy Condition no. 5
- (iv) A materials management plan, if the CL:AIRE Definition of Waste Code of Practice is to be used - required to satisfy Condition no. 5
- (v) After completion of site works, a verification report is required to validate that the work undertaken conforms to the remediation proposals received and agreed by the Council - required to satisfy the requirements of Condition no. 7

The following planning condition pursuant to planning permission 71917 is a compliance condition and therefore does not need to be discharged:

Condition no. 8 (Drainage)

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
CB	06/08/2026	DM	11.08.2026