

## **DELEGATED REPORT**

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| <b>Report by</b> Helen Leach    | <b>Date of report:</b> 28/11/2025 | <b>Ref:</b> 72565/CONDIS       |
| <b>Registration:</b> 21/11/2025 | <b>LDfC:</b> 19/12/2025           | <b>Expiry Date:</b> 16/01/2026 |
| <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 (contaminated land) on planning permission 69535

**Location:** Land at Billberry Close & Albert Road, Whitefield, Manchester, M45 8BL

### **Description**

The applicant seeks the discharge of condition 3 (contaminated land) of permission 69535.

### **Relevant Planning History**

69535 - Erection of 7 no. bungalows with associated works at land at Bilberry Close & Albert Road, Whitefield. Approved by conditions - 15 November 2023.

### **Publicity**

None required.

### **Statutory/Non-Statutory Consultations**

**Environmental Health - Contaminated Land** - No objections.

### **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** - A ground investigation report and a remediation strategy report have been submitted and assessed by the Contaminated Land Section. The Contaminated Land Section have no objections to the condition being discharged and recommend that the verification information is submitted once the remediation works are complete. Therefore, the proposed development would not cause harm to human health and the condition should be discharged.

**Recommendation:** Approve

**Conditions and Reasons:**

1 The following conditions are discharged:

Condition 3  
Ground investigation report - 8130D, dated July 25  
Remediation strategy report - 8130 E, dated July 25

| <u>Case Officer</u> | <u>Date</u> | <u>Sign off Officer</u> | <u>Date</u> |
|---------------------|-------------|-------------------------|-------------|
| HL - 28/11/2025     |             | DM - 28/11/2025         |             |