

DELEGATED REPORT

Report by Helen Pressley	Date of report: 21/09/2026	Ref: 73384/CONDIS
Registration: 30/06/2026	LDfC: 28/07/2026	Expiry Date: 25/08/2026
Site Visit:	Site Notice: N/A	Press Date: N/A
Objections:	Con Area:	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: NREQ

Proposal: Application to discharge condition 3 (contaminated land), condition 5 (coal mining intrusive investigation) condition 6 (intrusive investigation safe & stable site report) and condition 10 (construction traffic management plan) on planning permisison 71464

Location: Land at rear of Westminster Avenue, Radcliffe, Manchester, M26 3WD

Description

Planning permission has been granted for the construction of 14.no garages. The garages proposed would be constructed in 2 blocks of 7no. units each.

Application to discharge condition 3 (contaminated land), condition 5 (coal mining intrusive investigation) condition 6 (intrusive investigation safe & stable site report) and condition 10 (construction traffic management plan) on planning permission 71464

Relevant Planning History

71464 - Erection of 14 garages - 2 identical blocks of 7 units each - Approved with Conditions 22/10/2025

73145 - Application to discharge condition 7 (landscaping scheme), condition 9 (resurfacing works) and condition 10 (Construction Traffic Management Plan) on planning permission 71464 - Split Decision 19/06/2026

73586 - Application to discharge condition 9 (resurfacing works) of planning permission 71464 - Pending

Publicity

N/A

Statutory/Non-Statutory Consultations

Environmental Health - Contaminated Land A statement confirming that no previously unforeseen contamination was encountered during the groundworks has been received. This Section is satisfied that the requirements of Condition 3 have been met and that this condition can be recommended for discharge.

Traffic Section - Can be discharged

The Coal Authority We assume that the report author is satisfied that the information obtained from the two boreholes provides sufficient information to be confident that the identified coal seams have not been worked elsewhere beneath the site. In consideration of the information submitted and the professional opinions contained therein, and based on the above assumption, the Coal Authority's Planning & Development Team would have no objection to the LPA discharging Conditions 5 and 6 of the issued consent, in terms of coal mining legacy related land instability matters, should it see fit.

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 - Unexpected Contamination

A statement confirming that no previously unforeseen contamination was encountered during the groundworks has been received. The Environment Section have therefore confirmed that they are happy that the requirements of Condition 3 have been met and that this condition can be recommended for discharge.

Conditions 5 and 6 - Coal Mining Investigations

The application is accompanied by a Coal Mining Ground Investigation (24 June 2026, prepared by Earth Environmental & Geotechnical Ltd).

The report indicates that two shallow coal seams were encountered in each borehole. Whilst these seams are of potentially workable thickness and lie within influencing depth of the surface if worked, it advises 'As no evidence of coal mining related workings was encountered during the site investigation, to a depth of 30.00m bgl, it is deemed that there is acceptable cover and no risk of shallow workings-related subsidence to the proposed development.' The report goes on to advise that 'Remedial measures are not considered necessary with respect to potential shallow coal mine workings, due to the absence of shallow workings below the site.'

The Coal Authority assume that the report author is satisfied that the information obtained from the two boreholes provides sufficient information to be confident that the identified coal seams have not been worked elsewhere beneath the site. In consideration of the information submitted and the professional opinions contained therein, and based on the above assumption, the Coal Authority's Planning & Development Team would have no objection to the LPA discharging Conditions 5 and 6 of the issued consent, in terms of coal mining legacy related land instability matters, should it see fit.

Condition 10 - Construction Traffic Management Plan

1. Photographic dilapidation survey of the footways and carriageways leading to and abutting the site in the event that subsequent remedial works are required following construction of the development, replacement of all boundary features and as a result of any statutory undertakers connections to the site.

Historic photographs from 2023, and photographs taken in 2026 have been submitted to satisfy this part of the condition.

2. Access route for all construction vehicles to the site from the Key Route Network;

Access route map submitted that shows the route delivery vehicles would take from the M60 to the site.

3. Access point/arrangements for construction traffic from Westminster Avenue and all temporary works required to facilitate access for construction vehicles;

A photograph has been submitted to show the access to the site from Westminster Avenue.

4. If proposed, details of site hoarding/gate positions, incorporating the provision, where necessary, of temporary pedestrian facilities/protection measures;

No hoardings are proposed. A temporary access gate has been installed for security

5. A scheme of appropriate warning/construction traffic speed signage in the vicinity of the site and its access onto Westminster Avenue;

A plan, showing the location of 2no. 5mph signs has been submitted.

6. Confirmation of hours of operation, delivery & construction vehicle sizes that can be accommodated on Westminster Avenue and enter and leave the site in a forward gear and number of vehicle movements;

DELEGATED REPORT

Hours of operation – 8am – 6pm Monday to Saturday, no work on Sundays

Builder's vehicles – 2 builders – each have a Transit van sized vehicle or smaller – daily during hours of operation.

Delivery vehicles – smaller 3.5 tonne flatbed delivery vehicles – as and when needed

Tracking for vehicles provided.

7. Arrangements for the turning and manoeuvring of vehicles within the curtilage of the site and/or measures to control/manage delivery vehicle manoeuvres;

Tracking for vehicles provided.

8. Parking on site or on land within the applicant's control of operatives' and construction vehicles, together with storage on site of construction materials;

Area identified on site dfor parking of vehicles.

9. Measures to ensure that all mud and other loose materials are not spread onto the adjacent highways as a result of the groundworks operations or carried on the wheels and chassis of any vehicles leaving the site and measures to minimise dust nuisance caused by the operations.

The entire site is hardstanding.

The Traffic Section have been consulted on the submitted CTMP and have raised no objections to the discharge of condition.

Recommendation: Approve

Conditions and Reasons:

1 The following conditions of application 71464 are approved:

Condition 3 - Unexpected Contamination

Condition 5 - Coal Mining Intrusive Investigation

Condition 6 - Intrusive Investigation Safe and Stable Site Report

Condition 10 - Construction Traffic Management Plan

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
HP	21/09/2026	DM	23/9/2026