

DELEGATED REPORT

Report by Claire Booth	Date of report: 28/05/2026	Ref: 73163/CONDIS
Registration: 01/05/2026	LDFC:	Expiry Date: 26/06/2026
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 no. 4 (Refuse Storage and Covered and Secure Cycle Storage) of planning permission 71276

Location: 47 Knowsley Street, Bury, BL9 0ST

Description

Application to discharge condition no. 4 (Refuse Storage and Covered and Secure Cycle Storage) pursuant to planning permission 71276. Condition 4 was as follows:

4. The refuse storage facilities and secure and covered cycled storage indicated on the approved plans shall be implemented and made available for use to the written satisfaction of the Local Planning Authority prior to the development hereby approved becoming first occupied and shall thereafter remain available at all times.

Reason. In order to ensue that the development would maintain adequate facilities for the storage of domestic waste, including recycling containers, in the interests of amenity and to secure covered and secure cycle parking provision, pursuant to Policy JP-C8: Transport Requirements of New Development of the Places for Everyone Development Plan.

The applicant has submitted the following:

- A copy of the approved plan - drawing no. 47KR/200/BR Rev. C1
- Photographs of the rear of the property showing refuse bins and the covered and secure cycle parking store in situ.

Relevant Planning History

71276 - Change of use from offices (Use Class E) to 8 no. bedroom (single occupancy) HMO (Sui Generis) with 2 no. front velux rooflights and 2 no. rear velux rooflights; Erection of 1.8m high boundary walls at rear with gated access - Approved with Conditions, 02/06/2025

72209 - Application to discharge condition 3 (sound insulation) on planning permission 71276 - Approved, 01/10/2025

Publicity

Not applicable.

Statutory/Non-Statutory Consultations

Not applicable.

Pre-start Conditions - Not applicable.

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.

Having visited the rear of 47 Knowsley Street both the bins and refuse storage provision shown on the approved plan were present, as to was the secure and covered bike store.

On this basis, and in accordance with the submitted details, condition no. 4 can hereby be discharged.

Recommendation: Approve

Conditions and Reasons:

Condition no. 4 is hereby discharged in accordance with the following drawings and documents:

Drawing No: 47KR/200/BR. Rev: C1: Proposed Site Plan & Location Plan;
Photographs of Bins at Rear of Property (1) - (5);
Photographs of Rear Entrance with Bicycle Storage (1); and,
Photographs of Bicycle Storage (1) - (3).

Providing that the development is carried out in accordance with these details and the timescale(s) identified in the condition, the requirements of the condition will be complied with.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
CB	28/05/2026	DM	29.05.2026