

DELEGATED REPORT

Report by Jennie Townsend	Date of report: 16/12/2025	Ref: 72544/CONDIS
Registration: 13/11/2025	LDfC: 15/12/2025	Expiry Date: 08/01/2026
Site Visit:	Site Notice: N/A	Press Date: N/A
Objections: 3	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 (EV charge point), condition 8 (BEMP) and condition 17 (sprinkler system) on planning permission 68815

Location: Land adjacent to 62 Springside Road, Bury, BL9 5JQ

Description

Application to discharge conditions on planning permission 68815 -

Condition 3 - Site characterisation and Remediation Strategy

Condition 5 - EV chargepoint

Condition 8 - Biodiversity and Environmental Management Plan

Condition 17 - Sprinkler system

Relevant Planning History

72516 - Variation of condition no. 12 on planning permission 68815 - Outline application for 12 no. dwellings including means of access (all other matters reserved for appearance, layout, scale and landscaping) - to substitute the approved access - current application

24/0256 - Breach of condition no 10. of planning permission 68815 - 06/08/2024

Publicity

n/a

Four objections received.

- The restrictions placed on this planning application were applied due to an identified need.
- Drainage is a big issue on this land with adjacent gardens and properties experiencing flooding of their land that will worsen with loss of natural drainage.
- This land is contaminated with Japanese Knotweed. It is essential that all certification is submitted to ensure this has been eradicated before the land is further disturbed and the contamination is spread to adjacent properties.
- Condition 17 have been specified with the health and safety of the proposed site, surrounding areas and its residents. They are fundamental.
- EV points were proposed as a means of reducing the impact on air quality near a primary school.
- These applications to remove restrictions show the attitude of the applicant who wish to remove anything that would mitigate the impact on the environment and local residents in order to increase profits
- The ecology docs assess the site as modified grassland, hedgerow and urban

surfacing. However, trees and vegetation were removed in 2021 and the land has been cut back approx every six months since to prevent regrowth. This means the ecological baseline was artificially lowered before the survey took place, and therefore doesn't reflect the true habitat value of the land.

- DEFRA guidance states that biodiversity baselines should be based on the natural condition of the site prior to clearance. This makes the submitted biodiversity metric unreliable, and a fresh independent ecological survey should be carried out at the appropriate time of year and based on pre-clearance conditions.
- The submitted biodiversity metric also claims a substantial net habitat gain. However, if the baseline was already reduced beforehand, this may exaggerate the gain. Assessment also doesn't address the site's role as part of a wildlife corridor for deer, bats and owls
- Condition 3, the remediation report states that a Site Verification Report must be submitted following remediation works, including sampling and testing. No verification document has been provided and therefore it is too early to discharge this condition. Post-remediation testing and independent review is necessary before planning permission should be released.
- Emergency access must be fully assured before any fire safety condition can be discharged. It would therefore be premature to release this condition until access arrangements are confirmed.
- The Outline Planning Permission (OPP) protects existing hedging along bridleway 155BUR and requires a footpath running along the inside of the south and west site boundary. The existing hedging on bridleway 155BUR is shown to be on the wrong side of the site boundary, and the footpath is no longer visible. Both errors within the BEMP contravene the OPP.
- The BEMP shows an amenity lawn being placed on the extended curb on Springside Road in the south-east corner of the site. This extended curb will impact access to bridleway 155BUR, as well as off-street parking for 89 and 91 Springside Road, and I request the existing access and parking features are retained.

Statutory/Non-Statutory Consultations

Traffic Section - No response

Environmental Health - Contaminated Land - Recommend discharge of conditions 3 and 5.

Greater Manchester Ecology Unit - Cannot recommend discharge of condition 8 as the site would not achieve the required units.

Planning & Building Regs consultation Fire Protection Dept Bury Fire Station (Part B)
- No response received

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.

Condition 3 - Site Characterisation and Remediation Strategy

The EH Section have confirmed satisfactory information has been submitted and as such the condition can be recommended for discharge.

Condition 5 - EV chargepoints

The proposed EV charger equipment appears to be appropriate. The condition requires one EV charge point per dwelling and the applicant has confirmed in writing each residential dwelling would provide an EV chargepoint.

The EH Section is satisfied this is sufficient to recommend discharge of the condition.

Condition 8 - Biodiversity and Environmental Management Plan

The condition requires a target of 1.25 biodiversity units to be achieved on-site.

This was a pre-mandatory BNG agreement utilising version 3.1 of the metric. A BEMP has been provided covering the proposed urban trees and a small area of other neutral grassland. Given the habitat target conditions, GMEU have no issues with the management proposals.

The metric provided however uses the statutory metric and has determined the seven trees to achieving large size, ie. over 60cm dbh within 30 years, which is not possible resulting in the target units not being achieved. There have however been amendments to how the units for urban trees have been calculated between version 3.1 (on which the condition is based) and the current version.

GMEU have transferred the calculations to metric v3.1 and accepted that all seven trees can achieve medium size in 30 years. This improves the situation with 1.21 units being achieved on site. ie just failing to achieve the condition. This failure to achieve the target (given the outline version did) is because the layout has been amended resulting in the loss of the strip of grassland around the boundary of the site, now incorporated primarily into gardens. In order to achieve the target of 1.25 units an additional urban tree is required.

GMEU therefore do not recommend discharge as the developer is just failing to achieve the 1.25 units required on-site and recommend that eight native trees are required outside of gardens. Only trees capable of achieving 30cm dbh in 30 years should be planted.

GMEU also recommend that the developer reproduce the metric in v3.1 in line with the outline application.

LPA response

Whilst the information required by GMEU could have been requested by the LPA to address the shortfall of units on the site, the condition could not be discharged by the LPA in any event, as the Biodiversity Enhancement and Management Plan shows a proposed site layout which has not yet been approved by a reserved matters application and therefore the submitted BNG plan may change once a site plan for the reserved matters application has been submitted showing the position of the houses, gardens, driveways etc and has been consulted on and assessed.

As such it is premature to apply to discharge the condition at this time.

Condition 17 - Sprinkler system

The condition requires a sprinkler/misting system to meet the requirements of the Fire Service to be installed in each of the dwellings -

Prior to first occupation of the development hereby approved, a sprinkler/misting system to meet the requirements of BS 9251:2014 or other subsequent standard that meets the requirements of Greater Manchester Fire and Rescue Service and deemed suitable to overcome the site's emergency access deficiencies, shall be installed in the dwellings hereby approved and shall thereafter be maintained at all times.

The applicant has submitted a screen shot of what the applicant states is the location of a water hydrant.

The applicant has also submitted a Technical Note by a Transport Consultant which makes

no reference to sprinklers.

The submitted information is irrelevant as the condition is a compliance condition for the provision of a sprinkler/misting system to be provided to each of the dwellings.

Recommendation: Split Decision

Conditions and Reasons:

The following conditions have been approved -

Condition 3 - Site characterisation and Remediation Strategy

- Phase II, Brownfield Solutions, reference: MAS/C6123/14192 (REV B), dated August 2025
- Remediation Strategy, Brownfield Solutions, reference: MP/C6123/14552, dated August 2025

Condition 5 - EV chargepoint

Wall charger 2 socketed - EVWC2S7G-02 Single Phase 7.4KW

1 no per dwelling.

The following conditions have been refused -

Condition 8 - Biodiversity and Environmental Management Plan - the applicant has failed to demonstrate the site would achieve the 1.25 units required on sit and the condition could not be discharged as the Biodiversity Enhancement and Management Plan shows a proposed site layout which has not yet been approved by a reserved matters application and which may change in the future.

Condition 17 - Sprinkler system - The applicant has not provided any evidence or information for sprinklers and the condition is a compliance condition for the provision of a sprinkler/misting system to be provided to each of the dwellings.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JT	16/12/25	DM	17/12/25