

DELEGATED REPORT

Report by Jennie Townsend	Date of report: 04/03/2026	Ref: 72720/CONDIS
Registration: 16/01/2026	LDFC: 10/02/2026	Expiry Date: 13/03/2026
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:

Proposal: Application to discharge condition nos. 7 (Invasive species), 8 (Water Management Protection), 9 (Surface Water), 11 (Path Surfacing), 12 (Site Management) on planning application 69195

Location: Whitehead Gardens, Chapel Street, Tottington, Bury, BL8 4AL

Description

Application to discharge conditions on planning application 69195.

Condition 7 (Invasive species)
Condition 8 (Water Management Protection)
Condition 9 (Surface Water)
Condition 11 (Path Surfacing)
Condition 12 (Site Management)

Relevant Planning History

69195 - Refurbishment of gardens including upgrading drainage and footpaths; New pedestrian ramp access; Rebuild stage area; Creation of terraces along the bank of the stream and Tree works across the site - Approve with Conditions 11/12/2023

Publicity

n/a

Statutory/Non-Statutory Consultations

Greater Manchester Ecology Unit - No objection
Conservation Officer - No objection
Traffic Section - no objection
Environmental Health - Contaminated Land - 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.

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 7 - Invasive Species

A method statement has been provided. It is proposed to avoid the area of infestation through fencing and toolbox talk. Given reinfestation is highly likely post development, GMEU accept that this is reasonable for this site and therefore have no objection to the discharge of the prior to part of condition 7.

Condition 8 - Protection of Watercourse During Construction

Material storage etc is located well away from the Brook. The use of temporary piping is proposed for crossing of the watercourse during construction. GMEU have no issues with these approaches and accept that the resurfacing of the paths is low risk with regards the water course. GMEU requested clarification on whether or not any in-channel repairs are still proposed and if yes whether they pose a risk to the watercourse.

The applicant has confirmed that they hope to make very minor repairs to the Brook from a safety perspective. The work would require mortar but they would ensure the work was done in dry conditions (partly for staff safety and partly to prevent leaching into the brook). The mortar would be mixed/stored in a large bucket and a waterproof membrane used to

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'catch' any loose mortar.

GMEU are satisfied the condition can be part discharged.

Condition 9 - Disposal of surface water post development.

There appears to be no amendments to the surface water post development, other than repairs to an existing ditch on the boundary in to the site, which was not specifically the issue this condition relates to. ie more concerned whether new surface water drainage in to the Brook from the path network was proposed that could result in and increase in surface water discharge and sediment loads in to the brook. Subject to clarification that there are no new surface water drains, this condition can be discharged.

The applicant has clarified that there are no new water drains proposed and want to shed the current flood water from paths (stemming from the adjacent field) by re shaping the existing ditch to allow this water to slowly flow into the brook. The ditch and surrounding area will be planted water with water loving wildflowers to naturally try to 'slow the flow'. It is the intention to overlay tarmac in areas which had been damaged by heavy rains in the past.

GMEU have confirmed they are satisfied with this approach and the condition can be discharged.

Condition 11 - Path Surfacing

Existing paths surfaced in tarmac, will be resurfaced where needed in tarmac to match. New surfacing to the 'stage' area and the stepped area leading to the brook will be a buff colour resin bonded gravel which has good non slip properties. (trent pea gravel 3-6mm).

The Conservation officer has confirmed this approach is acceptable and the condition can be part discharged until the re-surfacing has been implemented.

Condition 12 - Storage of Materials on Site

The applicant has submitted a Construction Traffic Management Plan.

Given the limited options for deliveries and the carrying out of works, the Highway Authority can accept the proposals.

the condition can therefore be part discharged with a caveat as follows -

The works shall be carried out in accordance with the approved Construction Traffic Management Plan dated February 2026 and Construction Site Management Plan 223/CSM01v2. All deliveries shall be overseen by two bankmen and warning signs set in accordance with Chapter 8 of Traffic Safety Measures and Signs for Road Works and Temporary Situations 2009.

All measures recommended in the CTMP shall be implemented and maintained for the duration of the works.

Any works carried out on the highway and the site boundary wall shall be reinstated by the applicant on completion of the development.

On terms of materials, GMEU have no issues with the proposed locations, which are not adjacent to the watercourse and therefore have no objection to the discharge of the prior to part of condition 12.

Recommendation: Approve

Conditions and Reasons:

The following conditions are approved for part discharge -

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Condition 7 (Invasive species)
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Condition 9 (Surface Water)
Condition 11 (Path Surfacing)
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Submitted documents -

Construction Traffic Management Plan Feb 26
Construction Site management Plan 223/CSM01v2
Management Invasive Species Dec 25
Water Protection Management Dec 25

The conditions are part discharged subject the implementation of the approved details and any remaining requirements of the conditions.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JT 4/3/26		DM 05.03.2026	