

DELEGATED REPORT

Report by Jennie Townsend	Date of report: 11/05/2026	Ref: 73048/CONDIS
Registration: 01/04/2026	LDfC: 07/05/2026	Expiry Date: 27/05/2026
Site Visit:	Site Notice: N/A	Press Date: N/A
Objections:	Con Area:	Adv Type: N/A
Reason for Delay:		EIA: NA
N/A		Dec Level: DEL
		Stat Class: NREQ

Proposal: Application to discharge condition 14 (habitat management & monitoring plan (HMMP)) on planning permission 72240

Location: Spurr House, Pole Lane, Bury, BL9 8QL

Description

Application to discharge condition 14 (habitat management & monitoring plan (HMMP)) on planning permission 72240

Relevant Planning History

72240 - Demolition of existing buildings, site clearance works including removal of areas of hardstanding and the erection of two blocks of apartments, comprising 60 no. residential units, relocation of existing site access, and associated landscaping - Approve with Conditions 18/03/2026

73022 - Discharge of condition no.18 (Demolition Traffic Management Plan Construction Phase pursuant) to planning permission 72240 (Demolition of existing buildings, site clearance works including removal of areas of hardstanding and the erection of two blocks of apartments, comprising 60 no. residential units, relocation of existing site access, and associated landscaping) - current

73023 - Application to discharge Condition nos. 6 (Drainage Layout), condition no. 19 (Road Construction Details) on planning permission 72240 - current

73128 - Application to discharge condition 7 (arboricultural method statement), condition 11 (protected species method statement) and condition 16 (great crested newts mitigation) on planning permission 72240 - current

Publicity

n/a

Statutory/Non-Statutory Consultations

Greater Manchester Ecology Unit - No objection to the discharge of condition 14.

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 14 - Habitat Management and Monitoring Plan (HMMP)

An HMMP has been provided, utilising the defra template. This covers all the required habitats and some of the other habitats not regarded as significant. All the relevant sections appear to have been completed and the proposed habitat creation and management feasible. The highest risk issue is failure of the modified grassland to achieve the targeted number of species, but GMEU are satisfied the risk is not so high that additional information is required at this time, with subsequent monitoring dealing with any issues.

It is feasible that prior to discharge of the statutory condition the layout may change. This however should not be an issue with regards the HMMP, with the only amendments required being technical ie change of plans and areas of habitat.

Whilst the planting plans include species that are not locally native, given the nature of the development, residential and existing trees present, GMEU have no strong views on this

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element.

GMEU therefore have no objection to the discharge of condition 14.

Statutory BNG condition

Once the layout is fixed and the required off-site units have been purchased, the statutory BNG condition can be discharged.

Recommendation: Approve

Conditions and Reasons:

The following condition is discharged -

Condition 14 - habitat management & monitoring plan (HMMP)

Location plan dwg 241352-TADW- 00- XX- DR- A- 0001- P- 2
Habitat Management and Monitoring Plan dated 13/2/2026
Version 001

The condition is discharged subject to the implementation of the approved details and any remaining requirements of the condition.

Statutory BNG condition

Once the layout is confirmed and fixed and the required off-site units have been purchased, the statutory BNG condition can be discharged.

<u>Case Officer</u> JT 11/5/26	<u>Date</u>	<u>Sign off Officer</u> DM 11.05.2026	<u>Date</u>
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