

DELEGATED REPORT

Report by Jennie Townsend	Date of report: 06/03/2025	Ref: 71658/CONDIS
Registration: 24/02/2025	LDFC:	Expiry Date: 21/04/2025
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 1 (evidence to show start on site) on planning permission 66745

Location: Buckley Wells Locomotive Depot, Baron Street, Bury, BL9 0TY

Description

The application relates to Buckley Wells which is the location and facility of the locomotive and carriage works and rail depot for the East Lancashire Railway (ELR).

Planning permission and Listed Building Consent was granted 23/2/2022 for the development of the ELR's historic locomotive and carriage works site including repair and restoration of the 1857 locomotive work building, the construction of new locomotive running shed, incorporation of associated new workshops and training facilities and construction of a standalone carriage shed.

This application relates to condition 1 of that approval, to commence the development within the 3 year statutory period.

The applicant has submitted photographic evidence of works which were undertaken to commence the access including establishing a concrete kerb edging.

The applicant has included a photographic of a copy of the day's newspaper next to the works which is dated 20/2/2025.

Relevant Planning History

66745 - Development of the ELR's historic locomotive and carriage works site including repair and restoration of the 1857 locomotive work building, the construction of new locomotive running shed, incorporation of associated new workshops and training facilities and construction of a standalone carriage shed. - Approve with Conditions 23/02/2022

71657 - Application to discharge condition 1 (evidence to show start on site) on planning permission 66746 - concurrent

Publicity

N/a

Statutory/Non-Statutory Consultations

N/a

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.

Assessment

The applicant has submitted photographic evidence of works which were undertaken to commence the access including establishing a concrete kerb edging.

The applicant has included photographs of a copy of the day's newspaper next to the new kerb edge works, which is dated 20/2/2025.

The works which have been carried out and the evidence provided would constitute a material start on site within the 3 years imposed by Section 91 of the Town and Country

Planning Act 1990.

Condition 1 is therefore recommended to be discharged.

Recommendation: Approve

Conditions and Reasons:

The conditions listed below are approved:
Condition 1- start within 3 years

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JT - 06/03/2025		HL - 06/03/2025	