

DELEGATED REPORT

Report by Jennie Townsend	Date of report: 06/05/2026	Ref: 72814/CONDIS
Registration: 04/02/2026	LDfC: 09/03/2026	Expiry Date: 01/04/2026
Site Visit: 18/02/2026	Site Notice: N/A	Press Date: N/A
Objections:	Con Area:	Adv Type: N/A
Reason for Delay:		EIA: NA
N/A		Dec Level:
		Stat Class: NREQ

Proposal: Application to discharge condition 3 (external materials schedule), condition 5 (CEMP method statement - protection of Black Brook), condition 6 (CEMP method statement - invasive non-native species (INNS) removal), condition 7 (CEMP method statement - amphibians & small mammals), condition 8 (biodiversity gain plan), condition 9 (HMMP), condition 17 (additional construction method details), condition 23 (swift bricks & bat boxes), statutory BNG condition on planning permission 71758

Location: Land at side of 31-33 Victoria Court, Ryecroft Avenue, Tottington, Bury, BL8 3GY

Description

Application to discharge condition 3 (external materials schedule), condition 5 (CEMP method statement - protection of Black Brook), condition 6 (CEMP method statement - invasive non-native species (INNS) removal), condition 7 (CEMP method statement - amphibians & small mammals), condition 8 (biodiversity gain plan), condition 9 (HMMP), condition 17 (additional construction method details), condition 23 (swift bricks & bat boxes) on planning permission 71758.

Relevant Planning History

71758 - Erection of 1 no. detached dwelling; Alterations to parking areas at front of 31 & 33 Victoria Court - 25/6/25

Publicity

n/a

Statutory/Non-Statutory Consultations

Greater Manchester Ecology Unit - No objection
Highways - No objection

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 3 - External materials schedule

As detailed on the submitted external materials schedule dated 3 February 2026
All materials to be installed as specified and as shown on the approved drawings.

Condition 5 - CEMP method statement - protection of Black Brook

GMEU are satisfied with the recommendations and methods proposed (method statement JN Building contractors Ltd- 04/11/2025) and condition 5 can be discharged. The applicant is reminded that these are working documents and should be used on site for the duration of the development.

Condition 6 - CEMP method statement - invasive non-native species (INNS) removal

GMEU are satisfied with the recommendations and methods proposed (method statement JN Building contractors Ltd- 04/11/2025) for the removal of Himalayan balsam and Giant Bramble. The approved document should now be used on site for the duration of development and condition 6 can be discharged

Condition 7 - CEMP method statement - amphibians & small mammals

GMEU are satisfied with the recommendations and methods proposed (method statement (JN Building contractors Ltd- 04/11/2025) and are satisfied with the measures proposed for the protection of amphibians and small mammals) and condition 7 can be discharged

Condition 8 - biodiversity gain plan

GMEU are satisfied with the biodiversity gain plan (BGP) signed 14/01/2026 and that the enhancement has now been found on site. The condition can be discharged. A copy will be kept on the application file.

Condition 9 - HMMP

Document HHMP Final V1

The applicant can move to the habitat creation and monitoring stages, in line with the timescales of the development. The development shall be carried out in accordance with the document HHMP Final v1 and will be kept on file as a means of monitoring the future success of the habitat creation, enhancement and ongoing quality.

Statutory Biodiversity Gain Condition

The combination of a satisfactory completed BGP, HMMP and approved BNG metric will now also allow for the statutory Biodiversity Gain Condition to be discharged. The HMMP (PEA Bat roost assessment and BNG Draft plan ref JE8459-25 26/2/25) will include the future monitoring regime of the biodiversity and should be used to ensure the ongoing quality of the habitats.

The document HMMP Final V1 should be the reference documents for the HMMP. This is acceptable.

The statutory BNG condition can be discharged.

Condition 17 - Additional Construction Method Details

Additional Construction Method Details (Revised Submission) 1/5/26

Dwgs CEMP R0823-05

Swept path analysis R0826-05

Dilapidation survey dated 21/4/26

Site layout R0823-01 rev E

Condition 23 - Swift bricks & bat boxes

Drawings (JN Building contractors Ltd- Jan 2026 PLO1)

GMEU are satisfied with the location, number and make of bat and bird boxes/bricks. This condition can now be discharged and the bat/bird roost provision installed in line with the development's timescales.

Recommendation: Approve

Conditions and Reasons:

The following conditions are discharged -

Condition 3 - External materials schedule

Condition 5 - CEMP method statement - protection of Black Brook

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Condition 6 - CEMP method statement - invasive non-native species (INNS)

Condition 7 - CEMP method statement - amphibians & small mammals

Condition 8 - biodiversity gain plan - signed 14/1/26

Condition 9 - HMMP - Document HHMP Final V1

Statutory Biodiversity Gain Condition

Condition 17 - Additional construction method details

Condition 23 - Swift bricks & bat boxes

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

Supporting Documents

External material schedule 3 Feb 2026

Method statement JN Building contractors Ltd- 04/11/2025

Biodiversity gain plan signed 14/1/26

HMMP Final V1 5/10/25

PEA Bat roost assessment and BNG Draft plan ref JE8459-25 26/2/25

JN Building contractors Ltd- Jan 2026 PLO1

Additional construction method details R0823-05 1/5/26

Site layout R0823-01 rev E

Swept path layout R0826-05

Dilapidation survey 21/4/26

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JT	6/5/26	DM	06.05.2026