

DELEGATED REPORT

Report by Dave Marno	Date of report: 28/08/2026	Ref: 73409/CONDIS
Registration: 14/07/2026	LDfC: 06/08/2026	Expiry Date: 08/09/2026
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:
		Stat Class: NREQ

Proposal: Application to discharge conditions 11 (Ground Contamination), 12 (Remediation Verification Report) and 17 (EV Chargers) on planning permission 71775

Location: Former Castlecroft Caravan Centre, Land at rear of Eton Hill Road, Radcliffe, Bury, M26 2ZT

Description

Planning permission was granted on the site for redevelopment to include padel courts. Conditions were attached covering contaminated land and EV Charging.

This Application is to discharge conditions 11 (Ground Contamination), 12 (Remediation Verification Report) and 17 (EV Chargers) on planning permission 71775

Relevant Planning History

Parent permission 71775 Erection of 5no. covered padel courts, conversion of existing building to clubhouse, provision of accessible WC and shower unit and associated car parking, cycle parking and access works.- approved with conditions 15/10/25

Publicity

contaminated land - 15/7/26 - no objections and appropriate to discharge conditions

Statutory/Non-Statutory Consultations

Environmental Health - Contaminated Land

Pre-start Conditions - Applicant/Agent [Not relevant/has/has not] agreed with pre-start conditions

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 11

The development hereby approved within any approved phase shall not be brought into use until written confirmation is provided to the Local Planning Authority that unexpected or previously unidentified contamination was not encountered during the course of development works.

If, during development, unexpected contamination is found to be present on the site, no further works shall be carried out at the affected location until the following are submitted to the Local Planning Authority for approval:

- I. Risk Assessment (GQRA or DQRA);
- II. Remediation Strategy & Verification Plan;

If remediation is required, it shall be carried out in accordance with the approved Remediation Strategy. Upon completion of remediation works, a Verification Report shall be submitted for approval. The Verification Report must include information validating all remediation works carried out; details of imported materials (source/quantity/suitability); details of exported materials; and details of any unexpected contamination.

Response: No expected contamination was encountered. Suitable to discharge condition

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Condition 12

Any soil or soil forming materials to be brought to site for use in garden areas, soft landscaping, filling and level raising shall be tested for contamination and suitability for use. Proposals for contamination testing including testing schedules, sampling frequencies and allowable contaminant concentrations (as determined by appropriate risk assessment) and source material information shall be submitted to the Local Planning Authority for approval prior to any soil or soil forming materials being brought onto site.

The approved contamination testing shall then be carried out and validatory evidence (soil descriptions, laboratory certificates, photographs etc.) submitted to Local Planning Authority for approval prior to the development being brought into use.

Response - Recommended for discharge under
consultation response reference CL1109.171225.1 for 72601.

Condition 17

Prior to first occupation the development shall ensure that the EV Charging facilities are available for first use and shall comply with the following applicable standards:

- A minimum of 2 no. electric vehicle (EV) charging points (minimum 7kW*)

Certification and photographic evidence of the installation of the agreed electric vehicle charge points shall be submitted to Local Planning Authority for approval prior to the development being brought into use. The infrastructure shall be maintained and operational in perpetuity.

*Mode 3, 7kW (32A) single phase, or 22kW (32A) three phase, and for 50kW Mode 4 rapid charging may be required. British Standard BS EN 61851-1:2019 to be used. Further information regarding minimum standards can be found at <https://www.gov.uk/transport/low-emission-and-electric-vehicles>.

Response - Specifications provided, which are suitable and confirmation of implementation and availability to use.

Recommendation:

Conditions and Reasons:

- 1 The following conditions are discharged of Planning Permission :71775

Condition 11 - Unexpected Contamination - Verification Report- LK Consult
LKC261457-SCR-Love Padel R0

Condition 12 - (Imported Material)LKC261457-SCR-Love Padel R0

Condition 17 - Condition charging - Electrical works installation certificate 15/7/26;
EV Charging Data Sheet, EV Photos of installation

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
DM 28/8/26		HL 01.09.2026	