

DELEGATED REPORT

Report by Helen Leach	Date of report: 12/03/2026	Ref: 72805/CONDIS
Registration: 12/02/2026	LDFC: 10/03/2026	Expiry Date: 09/04/2026
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: NREQ

Proposal: Application to discharge conditions Nos 3. (Details/Samples of the (materials/bricks) 5. (Habitat Management and Monitoring Plan) 8. (Highways alterations) 9. (Construction Traffic Management Plan) of permission 70641.

Location: Land between 7 & 37 Arthur Lane, Ainsworth, Bolton, BL2 5PW

Description

The applicant seeks the discharge of conditions 3 (materials), 5 (habitat management and monitoring plan), 8 (highway alterations), and 9 (construction traffic management plan of permission 70641.

Relevant Planning History

70641 - Erection of an agricultural building at land between 7 and 37 Arthur Lane, Ainsworth. Approved with conditions - 13 June 2025.

Publicity

None required.

Statutory/Non-Statutory Consultations

Traffic Section - No objections.

GM Ecology Unit - No objections.

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 - The proposed materials would be:

- concrete blockwork, painted olice grey (RAL 7002),
- vertical timber boarding - natural stained
- Corrugated mineral fibre roofing panels - natural sheets (RAL 7001).

These are appropriate materials for an agricultural building and would not be a prominent feature in the streetscene. There are no objections to the condition being discharged.

Condition 5 - A biodiversity gain plan (BGP), dated 23/09/2025 was submitted and assessed by GM Ecology Unit. GM Ecology Unit are happy that the unit figures in the BGP match those in the original BNG metric.

A habitat management and monitor plan (HMMP), dated September 2025, was submitted and has been assessed. GM Ecology Unit have no objections to the plan and recommend that the statutory biodiversity net gain condition can be discharged.

Condition 8 - The applicant has submitted plans of the highways works, including the general arrangement, visibility splay, construction extents, kerbing and surfacing. The Traffic Section has no objections to the plans, subject to the relevant licenses being entered into. Therefore, there are no objections to the discharge of the condition.

Condition 9 - A revised construction traffic management plan (CTMP) was received on 2 March 2026. The Traffic Section has assessed the CTMP and has no objections to the condition being discharged.

Recommendation: Approve

Conditions and Reasons:

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The following conditions have been discharged:

Condition 3

Planning Statement - GS.270226 A

Condition 5

Biodiversity gain plan, dated 23/09/2025

Habitat Management & Monitoring Plan, dated 23/09/2025

HMMP

Condition 8

Access - Construction specification, December 2025

SH01-CCE-XX-XX-DR-C-0001 P01

SH01-CCE-XX-XX-DR-C-0002 P01

SH01-CCE-XX-XX-DR-C-0003 P01

SH01-CCE-XX-XX-DR-C-0004 P01

SH01-CCE-XX-XX-DR-C-0004 P01

Typical carriageway detail - B100

Typical carriageway construction and reinstatement details - B101

Carriageway tie-in and construction joint details - B105

Condition 9

Construction Traffic Management Plan - GP.280226.A

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
HL - 12/03/2026		DM 13.03.2026	