

DELEGATED REPORT

Report by Tom Beirne	Date of report: 06/10/2025	Ref: 72249/CONDIS
Registration: 01/08/2025	LDfC: 19/09/2025	Expiry Date: 26/09/2025
Site Visit: 30/09/2025	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 nos. 8 (land contamination) and 11 (access arrangements) on planning permission 71027

Location: Land south of Pimhole Business Park, adjacent to the River Roch

Description

The application relates to a previous approval for a UU installation adjacent to River Roch near Alfred Street - Construction of a new outfall headwall to the River Roch, incorporating access footpath, access steps and safety handrails.

Discharge is requested for:
Condition 8 - Contaminated Land.
Condition 11 - Access arrangements.

Relevant Planning History

71027 - Construction of a new outfall headwall to the River Roch, incorporating access footpath, access steps and safety handrails - approved 26/09/2024

Publicity

N/A

Statutory/Non-Statutory Consultations

Traffic - No objection received..
Env Health - No objection to discharge.

Pre-start Conditions - N/A

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.

Discharge of conditions -

Condition 8 - Contaminated Land. The Environmental Health section have no objection to the discharge of this application.

Condition 11 - Access arrangements. No objection from the traffic section with regard to access.

Recommendation: Approve

Conditions and Reasons:

The following conditions relating to planning permission 71027 are approved:

Condition 8 - The development hereby permitted within any approved phase shall not be occupied/brought into use until the works relating to land contamination detailed below are fully completed:

Where remediation is required, it shall be carried out in full accordance with the approved Remediation Strategy.

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A Verification Report must be submitted to the Local Planning Authority for approval upon completion of remediation works. 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.

Condition 11 - The access arrangements/highway works indicated on the approved plans and subsequent scheme of highway works required to reinstate the adjacent adopted highway to its condition prior to commencement of the development and/or form a permanent vehicular access onto Alfred Street (to be agreed in due course with the Highway Authority), shall be implemented to a specification, scope and programme to be agreed with and to the satisfaction of the Local Planning Authority.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
Tom Beirne	06/10/2025		