

DELEGATED REPORT

Report by Jennie Townsend	Date of report: 06/10/2025	Ref: 72254/CONDIS
Registration: 04/08/2025	LDFC: 18/09/2025	Expiry Date: 29/09/2025
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 3 (contaminated land/remediation measures) and condition 9 (construction traffic management plan (CTMP)) on planning permission 70945

Location: Site of Car Time, Bell Lane, Bury, BL9 6BB

Description

Application to discharge conditions on planing permission 70945 - Variation of condition no. 2 (approved plans) of planning permission 70253: Reduction of the overall height of two retail units, removal of glazing to the north elevation (facing into the site), minor amends to the design of the curtain walling and glazing.

Condition 3 - Contaminated land

Condition 9 - Construction Traffic Management Plan

Relevant Planning History

70253 - Demolition of existing car sales building and the redevelopment of the site for a new Petrol Filling Station with associated facilities alongside a drive thru unit and a detached block of 2no. food-to-go convenience pods - Approved 15/3/24

70945 - Variation of condition no. 2 (approved plans) of planning permission 70253: Reduction of the overall height of two retail units, removal of glazing to the north elevation (facing into the site), minor amends to the design of the curtain walling and glazing - Approved 30/8/25

Publicity

n/a

Statutory/Non-Statutory Consultations

Traffic Section - No objection to discharge of condition

Environmental Health - Contaminated Land - No objection to discharge of condition

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 - (Site Characterisation and Remediation Strategy)

The Environmental Health Section is satisfied that the requirements of this condition have been met and can now be recommended for discharge.

Information Reviewed

Phase II Geo-Environmental Assessment, Site off Bell Lane Bury, BL9 6AD, Geo2, Reference: 24/1433.2.1, 27 June 2024.

Remediation Strategy Site off Bell Lane Bury, BL9 6AD, Geo2, Reference: 25/1433.3.1, 7 April 2025.

Previously received and reviewed:

Phase I Preliminary Risk Assessment, Site off Bell Lane, Bury, BL9 6AD, Geo2, Reference: 23/1433.1.1, 11 October 2023.

A Preliminary Risk Assessment has previously been received and reviewed (CL1070.211223.1).

A detailed risk assessment is not required.

Remediation Strategy and Verification Plan

The following measures are proposed so that the contamination identified on site no longer presents a risk:

- Site Clearance works including removal of any asbestos containing materials within buildings, demolition of existing buildings, and excavation and stockpiling of hard materials crushing and re-use. An MMP will be put in place of the CL:AIRE Definition of Waste: Code of Practice is to be used.
- Infrastructure and Contamination Removal to include removal of any in-ground infrastructure and obstructions, further site investigation to identify any contamination beneath current buildings, and remediation of any contamination found.
- Watching Brief throughout the development to identify and deal with any previously unforeseen contamination.
- Imported materials will be tested to ensure that they are clean and suitable for use. Materials will be tested at rates in line with YALPAG Verification Requirements for Cover Systems guidance for a suite of analysis that includes metals, speciated PAHs, TPH-CWG and asbestos. For materials used in clean cover system, the results will be compared to GAC for residential with homegrown produce.
- Clean cover system will be installed in soft landscapes areas due to the presence asbestos within site soils. 300mm of clean validated subsoil/topsoil will be installed, underlain by either 100mm hard dig layer or a geotextile marker layer. Tree pits will be used where required.
- Waste and material management of excess or contaminated soils. Materials will be removed under appropriate regulations and waste management documentation retained.

The proposed remediation strategy is acceptable to this Section. The remedial works should be fully implemented in accordance with the strategy's recommendations.

A verification report would be required to discharge condition 4.

Condition 4 - Construction Traffic Management Plan

The applicant has submitted a Construction Traffic Management Plan and site layout plan for the construction period.

The Highway Authority is satisfied with the proposals subject to the implementation of the approved details and remaining requirements of the condition.

Recommendation: Approve

Conditions and Reasons:

The condition listed below are approved -

Condition 3 (contaminated land) - The remedial works should be fully implemented in accordance with the strategy's recommendations.

Condition 9 - Construction Traffic Management Plan - subject to implementation of the approved details and any remaining requirements of the condition.

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Phase I and II Geo Environmental assessment
Remediation Strategy Geo 2
Construction Traffic Management Plan 3705125 July 2025
Site Security Layout received 6/10/25
E-mail response 6/10/25

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JT	6/10/25		