

DELEGATED REPORT

Report by Dave Marno	Date of report: 04/03/2026	Ref: 72781/CONDIS
Registration: 23/01/2026	LDfC: 17/02/2026	Expiry Date: 20/03/2026
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 part discharge condition 23 (dilapidation survey) to enable the approved demolition works to take place across Phase 1B of planning permission 70449

Location: Longfield Shopping Centre/car park, Fairfax Road car park & adjoining land at Bury New Road, Rectory Lane & Fairfax Road, Prestwich

Description

Application for the discharge of condition 23 (for Phase 1b) in relation to highways dilapidation survey. Original planning consent reference 70449 was a hybrid consent comprising -

Full application for demolition of existing buildings/structures and erection of phased mixed use development including Community Hub with flexible uses of library, offices, medical/health services (Classes F1 (a-f), F2(b), E(c), E(e), E(g)) & retail uses (Classes E(a), E(b) F2(a)) & Sui Generis (hot food takeaway & bar), new Market Hall (Classes E(a), E(b) & Sui Generis (hot food takeaway and bar)), Commercial Building with flexible uses including retail, offices, gymnasium (Classes E(a), E(b), E(c), E(d), E(g), F2(a), Travel Hub with car parking & cycle parking (Sui Generis), public square & realm, associated landscaping, car parking provision, cycle storage & associated works; and,

- Part Outline application (all matters reserved) - mixed use development of residential (Class C3), flexible commercial, business, service, local community & learning uses (Classes E, F) & Sui Generis (hot food takeaway & bar), engineering works to Rectory Lane, new public realm, associated landscaping, car parking provision, cycle storage & associated works"*

Initial document submitted required more information by way of extending the survey to include parts of Rectory Lane from Fairfax Road to the bend of the highway at the south of the site close to the primary school.

The condition stated:

"No development shall commence unless and until a photographic dilapidation survey of the footways and carriageways leading to and abutting the sites in the event that subsequent remedial works are required following demolition and construction of, and statutory undertakers' connection to, the proposed development, has been submitted to and agreed in writing with the Local Planning Authority. All highway remedial works identified as a result of the dilapidation survey shall be implemented to a programme to be agreed with the Local Planning Authority prior to the commencement of the development hereby approved.

Reason: To maintain the integrity of the adopted highway, in the interests of highway safety pursuant to Policies JP-C5: Streets for All, JP-C6: Walking and Cycling and JP-C8:

Transport

Requirements of New Development of the Places for Everyone Joint Development Plan."

Relevant Planning History

70449 - Full application for demolition of existing buildings/structures and erection of phased mixed

use development including Community Hub with flexible uses of library, offices, medical/health services (Classes F1 (a-f), F2(b), E(c), E(e), E(g)) & retail uses (Classes E(a),

E(b) F2(a)) & Sui Generis (hot food takeaway & bar), new Market Hall (Classes E(a), E(b) & Sui Generis (hot food takeaway and bar)), Commercial Building with flexible uses including retail, offices, gymnasium (Classes E(a), E(b), E(c), E(d), E(g), F2(a), Travel Hub with car parking & cycle parking (Sui Generis), public square & realm, associated landscaping, car parking provision, cycle storage & associated works; and,

• Part Outline application (all matters reserved) - mixed use development of residential (Class

C3), flexible commercial, business, service, local community & learning uses (Classes E, F) & Sui Generis (hot food takeaway & bar), engineering works to Rectory Lane, new public realm, associated landscaping, car parking provision, cycle storage & associated works” -

Approve 26/09/2024

72753 - Application for partial discharge of condition 47 (Arboricultural Method Statement and Tree Protection Plan) to enable the approved demolition works to take place across Phase 1B of planning permission 70449 - Approve 30/01/2026

72777 - Application to part discharge condition 49 (Local Labour & Training Proposal) to enable the approved demolition works to take place across Phase 1B of planning permission 70449 - Approve 09/02/2026

72778 - Application to part discharge condition 24 (Demolition Management Plan), condition 25 (Construction Logistics Plan), condition 46 (Demolition Phasing Plan) to enable the approved demolition works to take place across Phase 1B of planning permission 70449 - Approve 11/02/2026

72783 - Application to part discharge condition 53 (water main protection) to enable the approved demolition works to take place across Phase 1B of planning permission 70449 - Approve 09/02/2026

Publicity

not applicable

Statutory/Non-Statutory Consultations

Traffic Section - no objection

Environmental Health - Contaminated Land- no response received

Building Control- no response received

United Utilities Water Ltd - Planning Team, Developer Services & Metering- no response received

Pre-start Conditions - Not relevant

Development Plan and Policies

N/A

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.

Information

information has been submitted to discharge condition 23 (for Phase 1b) for the demolition works

required to be undertaken in Phase 1B of the consented development:

- Dilapidation Survey prepared by SightSafe GB Ltd (18th January 2026);
- Dilapidation Mark-up Plan; and,
- Site Photographs

A further addendum comprising a greater extent of survey covering Rectory Lane was submitted at the request of the Local Highway Authority in three parts and dated 20/2/26. The local highway authority have assessed the entire submission and confirm that the survey is satisfactory to discharge the requirement of the condition.

The decision is based upon:

Rectory Lane Dilapidation survey dated 20/2/26 - Parts I, II and III; and

- Dilapidation Survey prepared by SightSafe GB Ltd (18th January 2026);and
- Dilapidation Mark-up Plan; and,

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- Site Photographs.

Recommendation:

Conditions and Reasons:

- 1 Condition 23 in relation to Phase 1b is considered to be discharged based upon the following information:

Rectory Lane Dilapidation survey dated 20/2/26 - Parts I, II and III; and

- Dilapidation Survey prepared by SightSafe GB Ltd (18th January 2026);and
- Dilapidation Mark-up Plan; and,
- Site Photographs.

<u>Case Officer</u> DM 4/3/26	<u>Date</u>	<u>Sign off Officer</u> HL 4/3/26	<u>Date</u>
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