

DELEGATED REPORT

Report by Dave Marno	Date of report: 10/03/2026	Ref: 72783/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: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: NREQ

Proposal: 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

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

Description

Planning permission was granted for the redevelopment of Prestwich Longfield Centre as a comprehensive proposals to incorporate mixed use development, car parking and residential development.

Phase 1A comprised the construction of the multi storey car park. Phase 1b concerns the demolition of the former Longfield Centre.

The main planning permission 70449 contained pre- commencement conditions and this application is an application to part discharge - condition 24 (Demolition Management Plan), condition 25 (Construction Logistics Plan), condition 46 (Demolition Phasing Plan) Condition 53 - demolition works in relation to water main

to enable the approved demolition works to take place across Phase 1B of planning permission 70449 and addressing condition 53 in particular.

Condition 53 stated

"No construction shall commence (including demolition, site clearance and any earthworks) on plots A, B and C until details of the means of ensuring the water mains that are laid within

the site boundary are protected from damage as a result of the development have been submitted to and approved by the Local Planning Authority in writing.

These details shall include the following:

i. Evidence that diversion works for the water main(s) have been agreed with the relevant statutory undertaker and that the approved works have been undertaken; and,

ii. Details of the means of ensuring the water main(s) is protected from damage as a result of the development. These details shall include the potential impacts on the water main(s) from construction activities and the impacts post completion of the development, including landscaping, on the water main(s) infrastructure, and identify mitigation measures, to protect and prevent any damage to the water main(s) both during construction and post completion of the development.

Any mitigation measures identified by (ii) shall be implemented in full prior to commencement of development in accordance with the approved details and shall be retained thereafter for the lifetime of the development.

Reason: In the interest of public health and to ensure protection of the public water supply pursuant to the principles of the National Planning Policy Framework."

Relevant Planning History

70449 - hybrid application for mixed use development 70449 - Approved conditionally 26/2/25

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

72781 - Application to part discharge condition 23 (dilapidation survey) to enable the approved demolition works to take place across Phase 1B of planning permission 70449

- Approve 04/03/2026

Publicity

not applicable

Statutory/Non-Statutory Consultations

United Utilities Water Ltd - Planning Team, Developer Services & Metering- No objections
Borough Engineer - Drainage Section - no response - Drainage's interests rest with other conditions in relation to footpath closures and diversions dealt by other conditions not subject to demolition.

Traffic Section - no response. Traffic's interests rest with other conditions in relation to footpath closures and diversions dealt by other conditions (24, 25, 48)

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.

The application was accompanied with information and proposals showing the area subject to demolition under phase 1b and the plant and protection measures required to ensure that there would be no undue impact upon the pre-existing water main in close proximity to the site.

Additional information submitted came about as a result of a request for further clarifications required by UU centring upon greater clarity of machinery and protections as well as need for securing other consents, practices and clear zone protections amongst other matters.

United Utilities have been consulted on the original and revised information and raise no objection and confirm that the condition can be duly discharged in relation to phase 1b.

This recommendation is based upon the following information submitted:

- Water Main Protection Document prepared by Chroma (dated 23rd January 2026);
- Water Main addendum (dated 3/3/26) ref: C.53_260303;
- approved Demolition Site Plan (Drawing Reference: 207-JMA-MP-XXDRA-001500 P00); and
- Hanna Assoc Dwg - 4126-HAN-XX-XX-SK-Z-000001

Recommendation: Approve

Conditions and Reasons:

- 1 Condition 53 is discharged in relation to phase 1 b based upon the submitted

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information namely:

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<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
DM 10/3/26		DM 10.03.2026	