

DELEGATED REPORT

Report by Claire Booth	Date of report: 30/04/2026	Ref: 71744/CONDIS
Registration: 20/03/2025	LDFC: 23/04/2025	Expiry Date: 15/05/2025
Site Visit:	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area:	Adv Type: N/A
Reason for Delay:		EIA: NA
N/A		Dec Level: DEL
		Stat Class: NREQ

Proposal: Application to discharge conditions on planning permission 69164: Condition 3 (Trees Stabilisation), condition 4 (Vehicular Access), condition 5 (Construction Traffic Management Plan), condition 6 (Surface Water Drainage)

Location: Former Texaco Garage, Bury Old Road, Prestwich, M25 0HH

Description

Application to discharge conditions on planning permission 69164 which granted permission for Erection of a retail unit (Use Class E(a)) and Synagogue (Use Class F1(f)) with associated car parking, landscaping, associated excavation works, access arrangement and addition of basement for use for storage. Removal of internal stairwell from previously approved application 63054.

The conditions seeking to be discharged are all pre-commencement conditions covering the following condition numbers and the nature of the condition:

Condition 3 (Trees - Stabilisation),
Condition 4 (vehicular access),
Condition 5 (construction traffic management plan),
Condition 6 (surface water drainage) and,
Condition 8 (piling)

Relevant Planning History

69164: Erection of a retail unit (Use Class E(a)) and Synagogue (Use Class F1(f)) with associated car parking, landscaping, associated excavation works, access arrangement and addition of basement for use for storage. Removal of internal stairwell from previously approved application 63054 (Part Retrospective) - Approved with Conditions and subject to a S106 agreement, dated 06/09/2024

Publicity

N/A

Statutory/Non-Statutory Consultations

Traffic Section - No objections to the amended CTMP.

Borough Engineer - Drainage Section - No objections after initially raising objections.

Pollution Control - Conditions can be discharged.

United Utilities (Water and waste) - No objections after initially raising objections

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.

Condition 3 (Trees - Stabilisation)

Condition Wording

Within 3 months of the date of this decision, the void between the linear row of trees (T2 to T6) and the concrete retaining panels, as identified on Drawing no.

RTS/240702023/TPP 002, shall be filled with a mix of good quality Top Soil and Enriched Biochar, in accordance with the recommendations within Section 5 (Recommendations) of the Site Tree Appraisal, carried out by Rowbottoms Tree Services Ltd (Ref: RTS/24072023 002 Rev. 002).

Reason: To ensure the neighbouring trees, protected by Tree Preservation Order, survive the works undertaken in construction, in the interests of visual amenity, and to safeguard the ecological value provided by the trees adjoining the site in accordance with Policies EN1/2 - Townscape and Built Design, EN8/1: Tree Preservation Orders, and EN8/2 - Woodland and Tree Planting of the Bury Unitary Development Plan, Policies JP-G7: Trees and Woodland and JP-G8: A Net Enhancement of Biodiversity and Geodiversity of the Places for Everyone Joint Development Plan and the National Planning Policy Framework.

Submitted Details

- NRM Laboratories, Certificate of Analysis, date reported: 29/10/2026;
- Quality Garden Supplies - Invoice #278257 dated 08 October 2024
- Photograph

Recommendation

This wording of this condition means the condition does not need to be discharged. However, to summarise the reason for the condition; when installing the retaining walls, the applicant cut through the roots of neighbouring mature native trees leaving all the roots of the tree exposed. The applicant undertook the required infilling and stabilisation of the tree roots occurred within the stated timeframe.

Condition 4 (Vehicular Access)

Condition Wording

Notwithstanding the details indicated on approved plan reference DA14079.2. 401. Revision 6, no development, except for site excavation and enabling works, shall commence unless and until full details of the formation of the vehicular access to the site from Bury Old Road, incorporating the reinstatement of the redundant southerly access, demarcation of the limits of the adopted highway to be agreed on site, replacement of affected/provision of new tactile paved crossing points, relocation/replacement of affected bollards and all associated highway and highway drainage remedial works have been submitted on a topographical based survey of the site and adjacent adopted highways to the Local Planning Authority. The details subsequently approved shall be implemented to an agreed programme and to the written satisfaction of the Local Planning Authority.

Reason: To ensure good highway design in the interests of road safety and to maintain the integrity of the adopted highway, in accordance with Policy JP-C8: Transport Requirements of New Development of the Places for Everyone Joint Development Plan.

Submitted Details

Drawing no. ST21343-100 Rev. P4: S278 General Arrangement
Drawing. no. ST21343-100 Rev. P1: Drainage Plan;
Drawing no. ST21343-101 Rev. P1: Site Clearance Plan;
Drawing no. ST21343-102 Rev. P1: S278 Signing Lining and Kerbing Plan;
Drawing no. ST21343-103 Rev. P2: S278 Site Entrance Swept Path Analysis;
Drawing no. ST21343-104 Rev. P1: S278 Visibility Splays;
Drawing no. ST21343-105 Rev. P1: S278 Contour and Level Plan;
Drawing no. ST21343-106 Rev. P1: S278 Junction Long Section;
Drawing no. ST21343-108 Rev. P2: S278 Typical Construction Details; and,
Document. Section 50 Technical Approval Notice, dated 13/06/2025

Assessment

The Local Highway Authority is satisfied with the details and have subsequently issued a S50 technical Approval Notice referencing the above mentioned plans.

Recommendation

Providing that the development is carried out in accordance with these details, the requirements of the condition will be complied with.

Condition 5 (Construction Traffic Management Plan)

Condition Wording

No development, except for site excavation and enabling works, shall commence unless and until a 'Construction Traffic Management Plan' (CTMP), has been Application No:69164 submitted to and agreed in writing with the Local Planning Authority and shall confirm/provide the following:

1. Photographic dilapidation survey of the footways and carriageways leading to and abutting the site in the event that subsequent remedial works are required following construction of the development and as a result of any statutory undertakers connections to the site;
2. Site access arrangements for construction traffic from Bury Old Road;
3. Hours of operation and number of vehicle movements;
4. A scheme of appropriate warning/construction traffic speed signage in the vicinity of the site and its access
5. Arrangements for the turning and manoeuvring of vehicles within the curtilage of the site, including any requisite phasing of the development to accommodate this;
6. Parking on site of operatives' and demolition/construction vehicles together with storage on site of demolition/construction materials, including any requisite phasing of the development to accommodate this
7. If proposed, site hoarding/gate positions clear of adequate visibility splays at the site access and adjacent junction with Bury Old Road, including the provision, where necessary, of temporary pedestrian facilities/protection measures on the adopted highway;
8. Measures to ensure that all mud and other loose materials are not spread onto the adjacent adopted highways as a result of the groundworks operations or carried on the wheels and chassis of any vehicles leaving the site and measures to minimise dust nuisance caused by the operations.

The approved plan shall be adhered to throughout the demolition and construction periods and the measures shall be retained and facilities used for the intended purpose for the duration of both periods. The areas identified shall not be used for any other purposes other than the turning/parking of vehicles and storage of demolition/construction materials. All highway remedial works identified as a result of the dilapidation survey shall be implemented to the written satisfaction of the Local Planning Authority prior to the development hereby approved being brought into use.

Reason: Information not submitted at application stage. To mitigate the impact of the construction traffic generated by the proposed development on the adjacent residential streets, ensure adequate off-street car parking provision and materials storage arrangements for the duration of the construction period and that the adopted highways are kept free of deposited material from the ground works operations, in the interests of highway safety, pursuant to Policies EN1/2 - Townscape and Built Design and HT6/2 - Pedestrian/Vehicular Conflict of the Bury Unitary Development Plan, and Policies JP-C1: An Integrated Network and JP-C8: Transport Requirements of New Development of the Places for Everyone Joint Development Plan.

Details submitted (amended)

- CTMP-Revision 02, prepared by SLR, dated 18 February 2026 - SLR Project No.: 410.067423.00001;
- Dilapidation Survey, received 28/03/2026;
- SLR Consulting Limited, Stage 1-2 Road Safety Audit Rev. 01 dated 5 March 2025 - SLR Project No. 407.064834.00001;

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- Drawing no. ST21343-101 Rev. P0: Site Clearance Plan;
- Drawing no. ST21343-103 Rev. P0: S278 Site Entrance Swept Path Analysis
- Drawing no. 410.067423.00001-TR1 Rev. A: Swept Path Analysis: 16.5m Articulated Vehicle - Sheet 1 of 2;
- Drawing no. 410.067423.00001-TR10 Rev. A: Swept Path Analysis: 16.5m Articulated Vehicle - Sheet 2 of 2;

Assessment

The Local Highway Authority initially requested amendments to the submitted CTMP. Based on the amended CTMP and the drawings referred to above, the LHA has advised the requirements of condition no. 5 have been satisfied. Therefore, providing that the development is implemented in accordance with these details and the timescale(s) identified in the condition, the requirements of the condition will be complied with.

Recommendation

Providing that the development is implemented in accordance with these details and the timescale(s) identified in the condition, the requirements of the condition will be complied with.

Condition 6 (Surface Water Drainage)

Condition Wording

No development, except for site excavation and enabling works, shall commence unless and until surface water drainage proposals have been submitted to and approved in writing by the Local Planning Authority. The scheme should be in accordance with the submitted Surface Water Sustainable Drainage Assessment and must be based on the hierarchy of drainage options in the National Planning Practice Guidance and be designed in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015). This must include assessment of potential SuDS options for surface water drainage with appropriate calculations and test results to support the chosen solution. Details of proposed maintenance arrangements should also be provided. The approved scheme only shall be implemented prior to first occupation and thereafter maintained.

Details submitted:

- EX25/331/09 Rev. A, dated 16/02/2026: JMS Group; Surface Water Drainage and SuDs Strategy Report.
- Drawing no. DA14079.2. 405. Rev 1 - Dated 06 Jun 2025: Site - Drainage

Assessment

After much negotiation and securing amendments, both United Utilities and the Local Lead Flood Authority/ Drainage Section have both recommended that the details submitted, as amended and as listed above, are acceptable. The condition can therefore be discharged.

Recommendation

Providing that the development is carried out in accordance with these details, the requirements of the condition will be complied with.

Condition 8 (piling)

Prior to any piling work taking place within construction of the development hereby approved, the following shall occur in consecutive order:

1. An assessment shall be undertaken to determine the levels of ground borne vibration associated with the piling works within the development which shall identify all affected receptors and detail how impacts can be mitigated and / or reduced; and,
2. A scheme based upon the findings in part (1) shall be submitted to and approved in writing by the Local Planning Authority outlining the type of piling, its location,

noise/vibration levels and details of mitigation measures to ensure that the impact of the piling works on the receptors identified in (1) are mitigated/reduced. The development shall be carried out in strict accordance with the approved scheme for that phase.

Reason: To ensure impacts on amenity from are acceptable and to accord with the requirements of Policy EN1/2(b) of the Bury Unitary Development Framework, Policy JP-S5: Clean Air of the Places for Everyone Joint Development Plan, and the National Planning Policy Framework.

Officer recommendation

The application confirms that no piling has taken place. As this is the case, the wording of the condition does not require this condition to be discharged.

Recommendation: Approve

Conditions and Reasons:

- 1 **Condition no. 3 (Trees - Stabilisation)**
This wording of this condition means the condition does not need to be discharged. However, the applicant has evidenced that they undertook, the required infilling and stabilisation of the tree roots within the stated timeframe.

- 2 **Condition no. 4 (Vehicular Access)** is hereby discharged in accordance with the following drawings:

Drawing no. ST21343-100 Rev. P4: S278 General Arrangement
Drawing no. ST21343-100 Rev. P1: Drainage Plan;
Drawing no. ST21343-101 Rev. P1: Site Clearance Plan;
Drawing no. ST21343-102 Rev. P1: S278 Signing Lining and Kerbing Plan;
Drawing no. ST21343-103 Rev. P2: S278 Site Entrance Swept Path Analysis;
Drawing no. ST21343-104 Rev. P1: S278 Visibility Splays;
Drawing no. ST21343-105 Rev. P1: S278 Contour and Level Plan;
Drawing no. ST21343-106 Rev. P1: S278 Junction Long Section;
Drawing no. ST21343-108 Rev. P2: S278 Typical Construction Details.

Providing that the development is carried out in accordance with these details, the requirements of the condition will be fully complied with.

- 3 **Condition no. 5 (Construction Traffic Management Plan)** is hereby discharged provided the development is carried out in accordance with the following plans and documents:

- CTMP-Revision 02, prepared by SLR, dated 18 February 2026 - SLR Project No.: 410.067423.00001;
- Dilapidation Survey, received 28/03/2026;
- SLR Consulting Limited, Stage 1-2 Road Safety Audit Rev. 01 dated 5 March 2025 - SLR Project No. 407.064834.00001;
- Drawing no. ST21343-101 Rev. P0: Site Clearance Plan;
- Drawing no. ST21343-103 Rev. P0: S278 Site Entrance Swept Path Analysis
- Drawing no. 410.067423.00001-TR1 Rev. A: Swept Path Analysis: 16.5m Articulated Vehicle - Sheet 1 of 2; and,
- Drawing no. 410.067423.00001-TR10 Rev. A: Swept Path Analysis: 16.5m Articulated Vehicle - Sheet 2 of 2.

4 **Condition no. 6 (Surface Water Drainage)** is hereby discharged in accordance with the following drawings and documents:

- EX25/331/09 Rev. A, dated 16/02/2026: JMS Group; Surface Water Drainage and SuDs Strategy Report; and,
- Drawing no. DA14079.2. 405. Rev 1 - Dated 06 Jun 2025: Site - Drainage.

Providing the development is carried out in accordance with the following details the requirements of the condition will be fully complied with.

5 **Condition 8 (Piling)** - The application confirms that no piling has taken place. As this is the case, the wording of the condition does not require this condition to be discharged.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
CB 30/4/26		DM 30.04.2026	