

DELEGATED REPORT

Report by Claire Booth	Date of report: 03/08/2026	Ref: 73281/CONDIS
Registration: 09/06/2026	LDFC: 03/07/2026	Expiry Date: 04/08/2026
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: DEL
		Stat Class: NREQ

Proposal: Application to discharge conditions 3 (sound insulation) 4 (roller shutter door) 5 (roller shutter painted black) 6 (refuse storage & cycle parking) 7 (external doorstep on Newton Street) of planning permission 72327

Location: 263 Bury Old Road, Prestwich, Manchester, M25 1JA

Description

This application seeks to discharge conditions 3 (sound insulation) 4 (roller shutter door to bin store) 5 (roller shutter painted black) 6 (refuse storage & cycle parking) 7 (external doorstep on Newton Street) of planning permission 72327 which approved the change of use from a hot-food takeaway (Use Class Sui Generis) to part ground floor office (Use Class E) and part ground floor and all first floor 3 bedroom (single occupancy) House in Multiple Occupation (HMO) (Use Class C4) at 263 Bury Old Road, Prestwich.

Relevant Planning History

72327 - Change of use from hot-food takeaway (Use Class Sui Generis) to part ground floor office (Use Class E) and part ground floor and all first floor 3 bedroom (single occupancy) House in Multiple Occupation (HMO) (Use Class C4) - Approve with Conditions 19/12/2025

Publicity

N/A

Statutory/Non-Statutory Consultations

Environmental Health - Pollution Control - No objections, condition can be discharged.

Waste Management - No comments or observations received.

Traffic Section - No objections, condition can be discharged.

Pre-start Conditions - Not applicable.

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 (sound insulation)

The sound insulation of the party wall(s) of the property shall be improved in accordance with Building Regulations Approved Document E (or similar method), the details of which shall be submitted to and approved by the Local Planning Authority and implemented to and approved in writing by the Local Planning Authority prior to the HMO use commencing.

Reason. To reduce nuisance from noise to the occupiers of the adjoining dwelling/ apartment, pursuant to Policy EN7/2: 'Noise Pollution' and H2/4: 'Conversions' of the Bury Unitary Development Plan and the National Planning Policy Framework.

Submitted Details

JC238 263 Bury Old Road, Prestwich Discharge of Conditions PDF, showing the 9 inch masonry party wall has been upgraded with a freestanding timber stud wall infilled with acoustic mineral wool and lined with 2 layers of dense Soundbloc plasterboard to the satisfaction of the RBCA.

The Council's Building Control manager has viewed the photographs and supporting text submitted and confirms the requirements of the condition have been satisfied. It is therefore recommended that the condition can be discharged.

4 (Bin/Bike Store to be fitted with roller shutter)

The bin store/ bike store indicated on approved plan A1.2 Revision PL7 shall be fitted with a roller shutter door or a similar approved type which does not project outwards at any time during or after operation to the satisfaction of the Local Planning Authority and shall thereafter be maintained.

Reason. To enable bins and bicycles to stand clear of the highway whilst the garage door is opened, in the interests of road safety and good design, pursuant to Policies EN1/2: Townscape and Built Design and HT6/1: Pedestrian and Cycle Movement of the Bury Unitary Development Plan and Policies JP-C6: 'Walking and Cycling' and JP-C8: Transport Requirements of New Development of the Places for Everyone Joint Development Plan.

Submitted Details

JC238 263 Bury Old Road, Prestwich Discharge of Conditions PDF showing a photograph of the roller shutter door fitted. It has been recessed into the building and therefore does not project outwards. Moreover, it would not project outwards when being opened and closed. On this basis, this detailing accords with the requirements of the condition.

5 (roller shutter to bin store painted black)

The roller shutter door to serve the bin store/ bike store indicated on approved plan A1.2 Revision PL7 shall be painted black in colour. No external roller shutter box shall be fitted on the building.

Reason. In the interests of visual amenity and securing good design, in accordance with Policy EN1/2: Townscape and Built Design of the Bury Unitary Development Plan and the National Planning Policy Framework.

Submitted Details

JC238 263 Bury Old Road, Prestwich Discharge of Conditions PDF shows a photograph of the roller shutter door painted black. This compliments the black coloured door and windows.

6 (refuse storage & cycle parking)

The refuse storage facilities and covered and secure cycle storage provision indicated on the approved plans shall be implemented and made available for use to the written satisfaction of the Local Planning Authority prior to the development hereby approved becoming first occupied and shall thereafter remain available at all times.

Reason. In order to ensure that the development would maintain adequate facilities for the storage of domestic waste, including recycling containers, and sufficient cycle storage provision is secured, in the interests of amenity and to promote modal shift and encourage travel to the site by more sustainable modes of transport in accordance with Policies JP-C6: 'Walking and Cycling' and JP-C8: Transport Requirements of New Development of the Places for Everyone Joint Development Plan.

Submitted Details

JC238 263 Bury Old Road, Prestwich Discharge of Conditions PDF shows photographs of a Sheffield cycle stand within the covered and secure bike and bin store, served by the roller shutter door, mentioned in conditions 4 and 5. A photograph is also submitted showing 2 x 1100 litre bins but notes that following consultations with the Local Authority and private waste management providers, it was determined that the most effective approach would be to implement a frequent private collection service. This arrangement will utilise 660l containers for both general waste and combined recycling.

Provided these bins and the bike stands remain in situ and available at all times, the condition is recommended to be discharged.

7 (external doorstep on Newton Street)

Notwithstanding the approved plan, prior to the use hereby approved commencing, the step serving the proposed 'new entrance door' in the side elevation indicated on approved plan A1.2 Revision PL7, shall incorporate a step constructed within the width of the gable wall and an inward opening door. This shall be implemented to the satisfaction of the Local Planning Authority in accordance with the detail shown on the Ground Floor Plan within Drawing A1.2 Rev. PL7 and thereafter maintained at all times.

Reason. In the interests of highway safety/ pedestrian safety and to maintain the integrity of the adopted highway, due to an inconsistency between the Floor Plan and Elevations, pursuant to Policy HT6/1 of the Bury Unitary Development Plan and Policies JP-C1: An Integrated Network, JP-C5: Streets for All and JP-C6: Walking and Cycling of the Places for Everyone Joint Development Plan.

Submitted Details

JC238 263 Bury Old Road, Prestwich Discharge of Conditions PDF shows a photograph of the gable elevation of the building with the new inward opening doorway set into the building and the step up to the building also set into the building.

The materials used are also considered to be acceptable and in-keeping within the street scene.

For the above reasons, the condition is recommended to be discharged.

Recommendation: Approve

Conditions and Reasons:

Conditions 3 (Sound Insulation)

In accordance with the details within Document JC238 263 Bury Old Road, Prestwich Discharge of Conditions PDF for this condition, the condition is discharged.

4 (Roller Shutter Door to Bin Store)

In accordance with the details within Document JC238 - 263 Bury Old Road, Prestwich Discharge of Conditions PDF the condition is discharged. To fully comply with this condition the approved details shall be maintained thereafter.

5 (Roller Shutter Painted Black)

In accordance with Document JC238 - 263 Bury Old Road, Prestwich Discharge of Conditions PDF which shows a photograph of the roller shutter door painted black, the condition is discharged.

6 (Refuse Storage & Cycle Parking)

Submitted Details: Document JC238 - 263 Bury Old Road, Prestwich Discharge of Conditions

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

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complied with.

7 (External Doorstep on Newton Street)

The condition is hereby discharged in accordance with the details contained within Document JC238 - 263 Bury Old Road, Prestwich Discharge of Conditions.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
CB	03/08/2026	HL 03/08/2026	