

DELEGATED REPORT

Report by Jennie Townsend	Date of report: 07/04/2026	Ref: 72776/CONDIS
Registration: 12/02/2026	LDFC: 09/03/2026	Expiry Date: 09/04/2026
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 discharge condition 7 (landscape scheme) and condition 19 (construction management plan) on planning permission 58405

Location: Nutt Farm, Nutt Lane, Prestwich, Manchester, M25 2SJ

Description

Application to discharge condition 7 (landscape scheme) and condition 19 (construction management plan) on planning permission 58405.

The development was approved in 2015 and implemented within 3 years of the approval.

The application to discharge conditions 7 and 19 is retrospective and to regularise the development.

Relevant Planning History

58405 - Demolition of two structures and erection of four new dwellings - Approve with Conditions 18/03/2015

Publicity

n/a

Statutory/Non-Statutory Consultations

Traffic Section - no objection

Greater Manchester Ecology Unit - no objection

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.

Condition 7 - Landscape Scheme

GMEU note the proposals by Urban Green back in 2015 were accepted.

The implication in this application is that the landscaping was generally implemented in line with the scheme and subsequently changed by residents.

if the trees that have been removed were subject to a TPO or covenant then they would recommend replacement are planted, otherwise it would be unreasonable to require retrospective changes to residential gardens.

There are no TPO's or covenants on the site. The original condition required replacement of trees if removed due to disease, damage. This was not the case.

Given the planting was for residential gardens, it considered acceptable to discharge the condition.

Condition 19 - Construction Traffic Management Plan

A CTMP has been submitted which states that condition 19 required two outstanding items to be addressed -

1. the provision made for on site parking of operative and construction vehicles

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2. provision to be made on site for the storage of construction materials.
the development was carried out in two phases.
the applicant states that as far as they are aware the two phases of th plan were adhered to during the construction of the development.

As the development is substantially completed, the condition can be discharged.

Recommendation: Approve

Conditions and Reasons:

The following conditions are approved for discharge -

Condition 7 - Landscaping

Condition 19 - Construction Traffic Management Plan

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JT 7/4/26		DM 08.04.2026	