

DELEGATED REPORT

Report by Helen Pressley	Date of report: 01/04/2025	Ref: 70995/FUL
Registration: 31/01/2025	LDFC: 06/03/2025	Expiry Date: 28/03/2025
Site Visit: 28/02/2025	Site Notice: 07/02/2025	Press Date: 13/02/2025
Objections: 0	Con Area: RAMS	Adv Type: CA
Reason for Delay:		EIA: NA
N/A		Dec Level: DEL
		Stat Class: MIOT

Proposal: Extension to existing factory to create powder processing facility; proposed detached storage building and new silo installation.

Location: 8 Garden Street, Ramsbottom, Bury, BL0 9BQ

Description

The application relates to an existing factory unit located off Garden Street. The site is located within a Conservation Area. The site is located to the west of the East Lancashire Railway and the River Irwell and is sited within flood zones 2 and 3.

The existing factory is three storeys in height, with two storey offices and the entrance to the car park located to the south of the site access from Garden Street. The existing factory is constructed from a mixture of stone and steel cladding. An existing goods yard / HGV parking is located to the north of the site.

Planning permission is sought for the construction of an two storey extension to the rear of the existing factory that projects approximately 6815mm. Permission is also sought for the construction of a detached single storey storage building to the south east corner of the site and a storage silo to the rear of the building to replace existing tanks that are currently sited along the rear elevation.

Relevant Planning History

60681 - Construction of 4 no. industrial units (B1 business and light industrial and B8 storage and distribution) with offices at first floor following demolition of existing workshop (B2) - Approve with Conditions 24/11/2016

Publicity

Neighbour letters sent 04/02/2025

Site notice 07/02/2025

Press notice 13/02/2025

No representations received.

Statutory/Non-Statutory Consultations

Traffic Section - Condition requested for storage of construction materials to be accommodated on site.

Environmental Health - Pollution Control - No response

Environmental Health - Contaminated Land - Conditions requested in relation to the submission of a site characterisation and risk assessment and remediation strategy and verification plan.

Drainage Section - No response

Conservation Officer - No objection

Waste Management - No response

United Utilities (Water and waste) - No response

Environment Agency - Objection initially raised but removed. Conditions requested in relation to the submission of a site characterisation and risk assessment and remediation strategy and verification plan and drainage.

Greater Manchester Ecology Unit - CEMP should be secured via condition. Lighting to be designed in accordance with best practice if external lighting proposed. Informative should be included in relation to protected species. Bat/bird boxes can be secured by condition into the existing or proposed building.

Pre-start Conditions - Agent has agreed with pre-start conditions

Development Plan and Policies

EN1/2	Townscape and Built Design
EN2/1	Character of Conservation Areas
EN2/2	Conservation Area Control
EN7/2	Noise Pollution
EN6/3	Features of Ecological Value
EN8/2	Woodland and Tree Planting
EN7/5	Waste Water Management
JP-P1	Sustainable Places
JP-C5	Streets For All
JP-C6	Walking and Cycling
JP-G8	A Net Enhancement of Biodiversity and Geodiversity
JP-G7	Trees and Woodland
JP-S2	Carbon and Energy
JP-C2	Digital Connectivity
JP-S4	Flood Risk and the Water Environment

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.

Layout, Design and Heritage

UDP Policy EN1/2 seeks to ensure that development proposals would not have a detrimental effect on the visual amenity and character of a particular area. PfE Policy JP-P1 Sustainable Places aims to promote a series of beautiful, healthy and varied places.

The application site is located in the Ramsbottom Conservation Area. As the site is located within the Conservation Area it is necessary to consider the proposal in terms of UDP Policies EN2/1 - Character of Conservation Areas and EN2/2 - Conservation Area Control of the UDP. Policy EN1/2 - Townscape and Built Design seeks to ensure that any proposals would not have an adverse impact on the particular character and townscape of an area.

Paragraph 208 of the National Planning Policy Framework (NPPF) states local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

A Heritage Assessment has been submitted with the application that details the development of Ramsbottom, and the site.

The use of the site, for employment would not be amended through the proposal. The intention of the extensions, and new buildings is to replace existing elements on site that have become dilapidated and unsightly overtime and as such do not contribute to the character of the site, or the wider Conservation Area.

The proposed extension, and silo would be located to the rear of the building. These elements would not be visible from Garden Street, and would be screened from Bridge

Street due to the location of existing buildings. It is proposed to locate the proposed silo adjacent to an existing silo in place of existing water tanks and bund that are now surplus to requirements and decommissioned. The site is well screened to the rear with a number of trees located along the boundary with the East Lancashire Railway.

The proposed storage building would also be located to the rear of the site, behind the existing offices and car park. This building would replace existing storage containers/metal portacabin. As above this area of the site is well screened by existing buildings and trees.

The proposed materials are considered to be acceptable, and would replicate the steel cladding already visible on the upper floors of the existing factory that fronts Garden Street. As the plans stated "colour tbc" a materials condition will be added to any permission for this site to ensure that appropriate materials are utilised for this proposal.

Given the above, it is considered that the proposal would at least preserve the character of the Conservation Area and would therefore be in compliance with the policies set out above.

Amenity

UDP Policy EN1/2 - Townscape and Built Design seeks to ensure that the proposals for development are considered in relation to their relationship to the surrounding area. UDP Policy EN7/2 - Noise Pollution restricts development that would lead to an unacceptable noise nuisance to nearby occupiers and/or amenity users.

Residential properties are located along Bridge Street, and Garden Street. No overall change of use of the site is proposed. The nearest residential property to the proposed alterations would be no. 5 Bridge Street which is 19 metres away from the proposed storage building and sited above a religious building and adjacent to the East Lancashire Railway. The proposed storage building is a replacement for existing storage containers.

The properties on Garden Street would be screened from the proposals by existing factory buildings.

Given that the overall use of the site remains unaltered, it is considered that the proposal would not have an adverse impact on the amenity of the neighbouring residential properties.

Flood Risk

PfE Policy JP-S4 seeks to take an integrated catchment-based approach, to protect the quantity and quality of water bodies with reference to the North West River Basin Management Plan and managing flood risk. Chapter 14 - Meeting the challenge of climate change, flooding and coastal change of the NPPF confirms that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk.

A flood risk assessment (FRA) has been submitted with the application that identifies the site as a 'Less Vulnerable' development and therefore appropriate for development on Flood Zone 3. The FRA makes recommendations to mitigate flood risks, with evacuation and flood emergency planning prioritised. These requirements should be introduced through the operation of the site, without the development proposed and as such has not been secured by condition. The EA have not requested any further conditions in relation to flood risk.

Contaminated Land and Controlled Waters

Paragraphs 187, 196 and 197 of the NPPF seek to ensure that planning decisions contribute to and enhance the environment through remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

No land quality reports had been submitted to demonstrate the risks to controlled waters from land contamination were understood or could be appropriately mitigated during the development.

The local authority have recommended the inclusion of planning conditions in any approval granted for the site and the EA have agreed with the wording of these conditions in relation to controlled waters.

The EA have also requested conditions relating to drainage and piling to ensure that the development does not contribute to water pollution or harm groundwater resources.

Highways

Policy EN1/2 requires the consideration of the design and appearance of access, parking and service provision. PfE Policies JP-C5 and JP-C6 require streets to be well designed and managed to make a significant positive contribution to the quality of place and support high levels of walking, cycling and public transport.

The proposal does not seek to amend, or introduce new access to the site. On site car parking and servicing would be retained as existing. A condition is therefore requested to ensure that all construction materials are stored off the public highway.

Ecology and Biodiversity Net Gain

PfE Policy JP-G8 states that through local planning and associated activities a net enhancement of biodiversity resources will be sought. This is supported by Policy EN6/3 that seeks to retain, protect and enhance the natural environment and seeks to retain features of ecological or wildlife value. Paragraph 180 of the NPPF states that the planning policies and decisions should contribute to and enhance the natural and local environment. UDP Policy EN8/2 supports and encourages new woodland and tree planting within the borough. This is further supported by PfE Policy JP-G7 that aims to significantly increase tree cover and requires 2no. replacement trees for each tree lost or other measures that would also result in a net enhancement in the character and quality of the treescape and biodiversity value in the local area.

Every grant of planning permission in England is deemed to have been granted subject to the biodiversity gain condition. Commencement and transitional arrangements, as well as exemptions, mean that certain permissions are not subject to biodiversity net gain.

The areas to be developed are either hardstanding, or currently occupied by structures and as such would fall under the de-minimus exemption as set out within the application form.

No ecological information has been provided with the application. However, the proposed works are unlikely to impact on roosting bats, given their small scale, as well as the condition and structure of the building, which comprises corrugated steel roofing and extensive metal wall cladding. Considering this, no further survey effort is deemed necessary as protected species surveys should only be requested when there is a reasonable likelihood of the species being present and impacted by a development. Nevertheless, protected species can turn up in unexpected places and the granting of planning permission does not negate the need to abide by the laws which are in place to safeguard biodiversity. An informative should be used so that the applicant is aware that they must seek ecological advice should they find or suspect that the proposals will impact on protected species.

The River Irwell is located approximately 30 m east of the site, which connects to Crow Lumb Wood Site of Biological Importance (SBI) approximately 510 m south. GMEU would therefore recommend that a CEMP is secured via a condition to protect this watercourse, the SBI, and any wildlife using them from any adverse impacts of the proposed development. Additionally, any new external lighting must be designed in line with best practice guidelines (e.g.

<https://www.bats.org.uk/our-work/buildings-planning-and-development/lighting>) to ensure that the trees, railway and River Irwell adjacent to the east of the site remain un-lit and impacts on foraging and commuting bats will be avoided. Details of the lighting, including evidence that these features to the east will remain unlit, should be secured via a condition.

Planning policy encourages enhancements and net gains for biodiversity to be delivered through the planning system. As such, wherever possible measures to enhance the site for biodiversity should be secured as part of this planning application, and could include integration of bat or bird boxes into the existing and proposed buildings.

Carbon and Energy

PfE Policy JP-S2 - Carbon and Energy sets out the steps required to achieve net zero carbon emissions.

The applicant has submitted a Carbon and Energy statement that confirms that the proposal would comply with building regulations.

Due to the location of the proposed rooflights on the extension, roof-mounted solar PV would not be appropriate to install due to lack of space.

Due to the nature of the building, the inclusion of an air source heat pump to meet the space heating demand is unviable/unjustifiable as it is not known whether the extension is intended to be heated. Also, the size of the extension (111m² floor area) would not justify the purchase and installation of a heat pump.

Digital Connectivity

JP-C2 - Digital Connectivity - this policy requires development to have full fibre to premises connections unless infeasible or unviable, with multiple-ducting.

Due to the nature of the proposed development, it is unlikely that the site is going to rely on or consider an internet connection beyond what is already installed onsite.

Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015

The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

Recommendation: Approve with Conditions

Conditions and Reasons:

- 1 The development must be begun not later than three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
- 2 This decision relates to drawings numbered 001, 002, 003, 100 Rev A, 101, 102, 103, 104 and the development shall not be carried out except in accordance with the drawings hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to the policies of the Bury Unitary Development Plan and Places for Everyone Joint Development Plan listed.

- 3 Details/Samples of the materials to be used in the external elevations, together with details of their manufacturer, type/colour and size, shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced. Only the approved materials/bricks shall be used for the construction of the development.

Reason. No material samples have been submitted and are required in the interests of visual amenity and to ensure a satisfactory development pursuant to UDP Policy EN1/2 - Townscape and Built Design

- 4 No development hereby permitted (except demolition and site clearance) within any approved phase shall take place until the works relating to land contamination detailed below are fully completed:

With consideration to human health, controlled waters and the wider environment, the following documents shall be completed to characterise potential risk to sensitive receptors and submitted to the Local Planning Authority for approval:

- I. Preliminary Risk Assessment (PRA). Submission of this document is the minimum requirement.
- II. Generic Quantitative Risk Assessment (GQRA). Submission of this document only if PRA requires it.
- III. Detailed Quantitative Risk Assessment (DQRA). Submission of this document if GQRA requires it.

Reason. To prevent unacceptable risk to Human Health and Controlled Waters and to prevent pollution of the environment in accordance with the aims and Paragraphs 187(f), 196 and 197 of the National Planning Policy Framework (December 2024).

- 5 No development hereby permitted (except demolition and site clearance) within any approved phase shall take place until the works relating to land contamination detailed below are fully completed:

In accordance with the findings of site characterisation and risk assessment as previously approved, documents from the following shall be submitted to the Local Planning Authority for approval:

- I. Remedial Options Appraisal.
- II. Remediation Strategy.
- III. Verification Plan.

Reason. To prevent unacceptable risk to Human Health and Controlled Waters and to prevent pollution of the environment in accordance with the aims and Paragraphs 187(f), 196 and 197 of the National Planning Policy Framework (December 2024).

- 6 The development hereby permitted within any approved phase shall not be occupied/brought into use until the works relating to land contamination detailed below are fully completed:

Where remediation is required, it shall be carried out in full accordance with the approved Remediation Strategy.

A Verification Report must be submitted to the Local Planning Authority for approval upon completion of remediation works. The Verification Report must include information validating all remediation works carried out; details of imported materials (source/quantity/suitability); details of exported materials; and details of any unexpected contamination.

Reason. To prevent unacceptable risk to Human Health and Controlled Waters and to prevent pollution of the environment in accordance with the aims and Paragraphs 187(f), 196 and 197 of the National Planning Policy Framework (December 2024).

- 7 Prior to the commencement of development, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes must include:
- (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;
 - (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations);
 - (iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;
 - (iv) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and
 - (v) Foul and surface water shall drain on separate systems.

The approved schemes shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason. To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution pursuant to Development Plan Policies JP-S4 - Flood Risk and the Water Environment, EN7/3 - Water Pollution and EN7/5 - Waste Water Management and chapter 14 - Meeting the challenge of climate change, flooding and coastal change of the NPPF.

- 8 No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the local planning authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.
- Reason. To ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 187 of the National Planning Policy Framework

- 9 Piling using penetrative methods shall not be carried out other than with the written consent of the local planning authority. The development shall be carried out in accordance with the approved details.
- Reason. To ensure that the proposed development does not harm groundwater resources in line with paragraph 187 of the National Planning Policy Framework. No information has been provided on the proposed foundation solution for the site.

- 10 The development hereby approved shall not be commenced unless and until facilities for the storage of construction materials have been provided within the curtilage of the site. The facilities shall be retained for the intended purpose and the area identified shall not be used for any other purposes other than the storage of construction materials for the duration of the construction period.
- Reason. To maintain the integrity of the adopted highway and ensure adequate off highway materials storage arrangements are provided for the duration of the construction period, in the interests of highway safety pursuant to Development Plan Policies EN1/2 - Townscape and Built Design, JP-C5 - Streets for All and JP-C6 - Walking and Cycling.

- 11 No development shall commence unless and until a Construction and Environmental

Management Plan (CEMP) has been submitted to and approved by the Local Planning Authority. The plan shall include the steps to be taken to prevent the discharge of run-off, materials or dust or any accidental spillages entering the River Irwell which is located approximately 30 metres east of the site. The approved plan only shall be implemented prior to the commencement of any works and maintained for the duration of the build out of the development.

Reason. Information not submitted at application stage. To ensure a safe and satisfactory development of the site in relation to the protection of the River Irwell which connects to Crow Lumb Wood Site of Biological Importance (SBI) from any pollutants and construction disturbance which may cause risk, pursuant pursuant to Development Plan Policies JP-G8 - A Net Enhancement of Biodiversity and Geodiversity and EN6/3 – Features of Ecological Value of the Development Plan and section 15 of the National Planning Policy Framework.

- 12 No development shall commence unless and until a lighting scheme for any new external lighting, designed in line with best practice guidelines, has been submitted to and approved in writing by the Local Planning Authority.

Reason. In order to ensure that no harm is caused to a Protected Species and to ensure that the trees, railway and River Irwell adjacent to the east of the site remain un-lit and impacts on foraging and commuting bats will be avoided pursuant to Development Plan Policies JP-G8 - A Net Enhancement of Biodiversity and Geodiversity and EN6/3 – Features of Ecological Value of the Development Plan and Section 15 of the National Planning Policy Framework.

- 13 Prior to occupation of the development hereby approved the applicant shall install bat boxes or bird boxes within the existing or proposed buildings.

Reason. To secure the satisfactory development of the site and ensure enhancements and net gains for biodiversity pursuant to policies JP-G8: A Net Enhancement of Biodiversity and Geodiversity and EN6/3 - Features of Ecological Value of the Development Plan and National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
HP 01/04/25		hl 02/04/25	