

DELEGATED REPORT

Report by Jennie Townsend	Date of report: 10/02/2026	Ref: 72665/FUL
Registration: 17/12/2025	LDfC: 27/01/2026	Expiry Date: 11/02/2026
Site Visit: 22/01/2026	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area:	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MIOT

Proposal: Installation of 2 no. a/c units and extract grille to the rear of the building

Location: Site of former Car Time, Bell Lane, Bury, BL9 6BB

Description

The application relates to an existing car sales/showroom, Car Time which is located circa 300m to the east of Bury Town Centre. The site is located on the corner of Bell Lane which is a main route leading to the eastern part of the Borough and Bridge Street which is part of Freetown Employment Generating Area under UDP Policy EC2/1/5. The site lies within this EGA.

Planning permission was granted in March 2024 for the demolition of the existing car sales building and redevelopment of the site for a new petrol filling station (PFS) with an associated shop, a drive-thru unit and a food-to-go unit for 2 retailers (referred to by the applicant as a food-to-go pod).

This application seeks the installation of 2 no air conditioning units and an extract grille on one of the food-to-go pods.

The a/c units would be located on the rear elevation and the grille on the north elevation of the building.

Relevant Planning History

70253 - Demolition of existing car sales building and the redevelopment of the site for a new Petrol Filling Station with associated facilities alongside a drive thru unit and a detached block of 2no. food-to-go convenience pods - Approved 15/3/24

70945 - Variation of condition no. 2 (approved plans) of planning permission 70253: Reduction of the overall height of two retail units, removal of glazing to the north elevation (facing into the site), minor amends to the design of the curtain walling and glazing.

- Approve with Conditions 30/08/2024

72666 - Advertisement Consent for 2no. fascia signs and 1no. projecting sign (all internally illuminated) - approved 29/1/26

All relate to the application site.

Publicity

Letters sent to 14 properties on 5/1/25.

No responses received.

Statutory/Non-Statutory Consultations

Environmental Health - Pollution Control - No objection subject to condition.

Pre-start Conditions - Not relevant

Development Plan and Policies

NPPF National Planning Policy Framework

EN1/2 Townscape and Built Design

EN7/2	Noise Pollution
S2/6	Food and Drink
EC2/1	Employment Generating Areas
JP-S5	Clean Air
JP-C2	Digital Connectivity
JP-S2	Carbon and Energy

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.

Siting and appearance

The proposed a/c units would be located on the rear elevation of the building which is positioned adjacent to the boundary and the side elevation of a bathroom showroom business. The a/c units would not be highly visible to the streetscene and as they would face the side brick elevation of the adjacent business it is considered there would not be significant harm caused in terms of amenity and noise.

The proposed grille would be located on the north elevation which would face the parking area for this unit. It would be set at a high level within this elevation and a relatively small addition to the build and as such not appear significantly sightly.

An odour impact assessment has been submitted which identified a high risk of odour. The report recommended mitigation methods are implemented including replacement of filters and a cleaning regime.

The report concludes that with these measures in place, the proposal would not result in a nuisance at the nearest properties.

The Pollution Control Section have recommended the mitigation measures recommended in the odour report are conditioned.

The proposed development is therefore considered to be acceptable and would comply with policies EN1/2, EN7/2 and JP-S5.

Policy JP-S2 - Carbon and energy

Policy JP-S2 seeks to deliver a carbon neutral Greater Manchester no later than 2038, with a dramatic reduction in greenhouse gas emissions.

The proposed development does not involve the construction of a new building or any increase in internal floorspace. The works comprise minor external alterations to what is going to be a new building which would have to comply with current Building Regulations.

As such in this instance it is considered the any additional measures would not be reasonable in this situation.

Policy JP-C2 - Digital connectivity

Policy JP-C2 supports the provision of affordable, high quality, digital infrastructure that will enable the roll out of latest generation mobile technology and full fibre to the premises. It also requires all new development to have full fibre to premises connections therefore facilitating the provision of free, secure, high speed public wi-fi connections particularly in the most frequented areas.

The premises would already be served by operational digital connectivity and no works are proposed that would affect or require changes to existing provision.

The proposed development would therefore accord with JP-C2.

BNG - Not relevant as there would be no loss of biodiversity.

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 -

RPEN/S6773/12 rev DR - Location plan
RPEN/S6773/11 rev DR - Existing and proposed plans
RPEN/S6773/13 rev DR - Existing and proposed elevations
RPEN/S6773/14 rev DR - Proposed elevations
RPEN/S6773/15 rev DR- Existing and proposed sections
PLA-RP Power Invertor heat pump
PLA-ZM R32 4-way Blow ceiling cassette system single phase
PLA-ZM R32 4-way Blow ceiling cassette system three phase

Odour impact assessment by Accon UK A5688/O/02 3/2/26

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 The development hereby approved shall be carried out in accordance with the submitted details and specifications for the AC Units by Mitsubishi Electric.
Reason. To protect the amenities of nearby properties from impact upon from noise pursuant to Policy S2/6 - Food and Drink and EN7/2 - Noise Pollution.
- 4 The development hereby approved shall be carried out in accordance with the recommendations at 2.5 (The Odour Control Scheme). The scheme as approved shall be implemented, available for use and maintained in accordance with the approved Odour Control Scheme whilst it shall serve the development.
Reason. To ensure that the required scheme would maintain the amenities of nearby properties from impact upon from fumes and odour pursuant to UDP Policy S2/6 - Food and Drink.

<u>Case Officer</u> JT 10/2/26	<u>Date</u>	<u>Sign off Officer</u> DM 10.02.2026	<u>Date</u>
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