

DELEGATED REPORT

Report by Jennie Townsend	Date of report: 14/05/2025	Ref: 71528/FUL
Registration: 26/03/2025	LDfC: 16/04/2025	Expiry Date: 21/05/2025
Site Visit: 10/04/2025	Site Notice: 10/04/2025	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: PI
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MIMW

Proposal: Erection of single storey warehouse and storage building for Class use B8 with steel portal frame, rendered blockwork base, steel clad roof, walls and doors, including extension to service area and carparking from existing contractors service yard

Location: RTK Grab Hire Ltd, Plant Hire Yard, Wellington Street, Bury, BL8 2BD

Description

The application relates to a site which is located in an established industrial and commercial area and a designated Employment Generating Area under UDP Policy EC2/1 and is allocated as Land for Business, General Industry and Warehousing under policy EC1/1.

The site is located at the end of Wellington Road which is made up of a number of commercial and industrial operations. There are industrial buildings directly to the north and west, the River Irwell to the east beyond Wellington Road and beyond the southern boundary is tree planting and open land. The site is bounded by a paladin fence.

The site is approx 0.305 hectares in size and forms the eastern side of a larger industrial area and additional 0.46 hectares controlled by the adjacent business which shares the same access and egress to the site through Junctions of 1 and 2 off Wellington Street. The application site is surfaced in concrete and functions primarily as a service yard with waste recycling, booking in/out office and parking.

The site operates 7am to 6pm Monday to Saturdays

The application seeks a new building which would cover a footprint area of approximately 950 sqm for storage and distribution purposes for the company who operate from the adjacent industrial unit to the west.

The building would be a steel portal frame construction and circa 50m long x 19m wide and 10.5m to the ridge, constructed from concrete block up to 4m high and steel coated green panelling to the roof.

It is proposed to provide 15 new parking spaces (totalling 41 to serve both buildings) including 2 accessible and 2 EV charge spaces which would be located along the eastern boundary of the site in front of the new building. The two existing access points would continue to serve the site.

There would be landscaping in the form of mixed hedging along the frontage linear to Wellington Road with trees planted either side of the parking area.

Relevant Planning History

46433 - 'Change of use of land to Contractors yard; area of open storage; distribution & recycling of construction materials; Training area; access road; boundary fencing; ancillary Offices storage & lighting -Approved 31/8/2006

58726 - Erection of single storey warehouse and storage building with two storey office

DELEGATED REPORT

(Class 2BD (BI(a), BI(C), B8 uses) with parking and service yard' - Approved 14/8/2015

Publicity

Letters sent to 4 adjacent businesses on 26/3/25 and 10/4/25.

Site notice posted 10/4/25.

No responses received as a result of the publicity.

Statutory/Non-Statutory Consultations

Traffic Section - No objection subject to conditions

Borough Engineer - Drainage Section - No response received

Environmental Health - Contaminated Land - No objection subject to condition.

Environmental Health - Pollution Control - No comments to make

United Utilities (Water and waste) - No objection subject to a drainage condition

Greater Manchester Ecology Unit - No objection subject to conditions

Canal & River Trust - No response required

Environment Agency - No response received.

GMCA - Minerals and Waste consultations - No objection

The Coal Authority - No objection

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

Development Plan and Policies

NPPF	National Planning Policy Framework
EC1/1	Land for Business (B1) (B2) (B8)
EC2/1	Employment Generating Areas
EC6/1	New Business, Industrial and Commercial
MW1/1	Areas of Search
GMMWP	Greater Manchester Minerals and Waste Plan
EN1/2	Townscape and Built Design
EN7/2	Noise Pollution
HT2/4	Car Parking and New Development
JP-C2	Digital Connectivity
JP-C5	Streets For All
JP-C6	Walking and Cycling
JP-C8	Transport Requirements of New Development
JP-J2	Employment Sites and Premises
JP-J4	Industry and Warehousing Development
JP-S2	Carbon and Energy
SPD11	Parking Standards in Bury

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.

Principle

The site is located in an Employment Generating Area and land identified for business, general industry and warehousing uses. The proposed development would support an expanding business and secure and expand its investment and employment opportunities. As such, the proposed development would be acceptable in principle and comply with policies EC1/1 and EC2/1.

Layout and design

The current site comprises an existing warehouse, storage and office building, 26 parking spaces located along the front of the building and a smaller ancillary storage building. The remainder of the site comprises two large hardstanding and concreted areas.

The proposed warehouse would be positioned on the hardstanding area which is located between the existing warehouse and storage facility and Wellington Street. The 15 parking spaces would be located in a row in front of the building along the boundary with Wellington Street and hedge planting and trees along the frontage would help soften and screen the site and provide some greenery and ecological enhancements.

The entrance and exit would be retained whereby vehicles would enter the site at junction 1 and navigate around the perimeter of the site and new building to exit from junction 2 out onto Wellington Road. Tracking and swept path plans have been provided to show that large articulated vehicles could manoeuvre within the site and safely exit the site in a forward gear.

Directional lighting and CCTV cameras would be fitted to the building and the site, which is already secured by paladin fencing and a gated access would continue to be locked outside of operational hours.

The building itself would be a typical storage and warehousing facility, of a steel portal frame construction built of blockwork at the lower part up to 4m and green steel panelling to the roof which would be clad in grey panelling and as such considered to be appropriate to its setting within an industrial and commercial area.

The site covers an area of approximately 2.5 hectares and can adequately accommodate a new building of circa 950 sqm without affecting the existing operations on site. The proposed landscaping would enhance the appearance of the site and add to its ecological value.

It is therefore considered the proposed development would be acceptable and comply with policy EC6/1.

Impact on the surrounding area

The site is located at the end of Wellington Road, along which are other commercial and industrial buildings.

The proposed development would be contained within the existing site and located such that there would be no impacts on the operations of the other businesses.

The building would be located away from the site boundaries and not impact on open land, water courses or the wider environment.

It is therefore considered the proposed development would be acceptable and comply with policies EC6/1 and EN1/2.

Highways

In terms of access, the site currently provides an entrance at the northern end (junction 1) of the site and exit to the south (junction 2) with a spacious service yard enabling vehicles to manoeuvre and exit in a forward gear.

The existing access points would be retained and the site would be serviced via junction 1 which would lead to an internal route round the rear of the proposed building and the front of the existing warehouse to facilitate access for both buildings. The road would thereon exit from junction 2. A yard area would be retained to the northern part of the site

The proposed 15 parking spaces would be located along the site frontage between the exits, including 2 accessible and 2 EV charge spaces. The parking would not obstruct vehicular movement within the site and provision would be more than adequate to serve the scale of development in line with SPD11.

A Transport Statement has been submitted with the application. It is anticipated that there would be 6 trips a day (3 in 3 out) and therefore associated traffic volumes are considered minimal and not have a significant impact on the highway network.

The NPPF at para 116 states that -

Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.

Based on the information provided it is considered that the proposed development would generate minimal volumes of additional traffic movements. n.

The Highway Authority have raised no objection subject to conditions for the submission of a Construction Traffic Management Plan and provision of the turning facilities and parking

prior to use of the building.

As such, the proposed development is considered to be acceptable and comply with EC6/1, HT2/4 and JP-C8.

United Utilities

The mapping system shows that there is a sewer pipe which runs directly underneath the site and would be directly underneath the footprint of the proposed building.

In their response letter, United Utilities have not specified that a public pipe runs through the site, although they have stated that the applicant should investigate the existence of any pipelines and/or apparatus that might impact their detailed design.

The pipe runs under a number of other commercial and industrial buildings on Wellington Road and the applicant is aware of its existence, having investigated this matter when they previously applied for an extension in 2015.

The applicant would be advised by way of an informative to contact United Utilities for any advice or permissions which may be needed to build over the pipe.

On the matter of drainage, UU have raised no objection and recommend the submission of a drainage scheme prior to commencement of development.

Ecology

Summary

There do not appear to be any significant ecological issues associated with this site.

Wildlife Issues

The site is primarily an artificial unsealed surface with the only buildings appearing to be converted container, structures with negligible bat roosting potential. There is less than 25sqm of sparsely vegetated habitat, surrounded by similar habitats associated with this business. GMEU are satisfied that it is very unlikely that there are any wildlife issues including protected species, priority species and nesting birds associated with this development.

Contributing to and Enhancing the Natural Environment & Biodiversity Net Gain (BNG)

Section 187 of the NPPF 2024 states that the planning policies and decisions should contribute to and enhance the natural and local environment. 10% BNG is mandatory under Schedule 7A of the Town & Country Planning Act 1990 (as inserted by schedule 14 of the Environment Act 2021).

The development will result in the loss of up to around 20sqm of low ecological value habitat in poor condition. There are no wildlife issues. Soft landscaping is proposed that will enhance the site. The soft landscaping proposals can be conditioned as part of any permission.

The BNG statement from a suitably qualified consultant, confirms that the site is exempt from mandatory BNG based on the de minimis rule. Whilst checking through google imagery vegetation has at times exceeded 25sqm on the plot since 2020, it has also been totally absent. (No vegetation in 2020 rising peaking in 2022/2023). GMEU therefore accept that the changes in vegetation over these 5 years are down to levels of operational activity on this site. No further information or measures are required.

GM Minerals and Waste

The Greater Manchester Minerals Plan (adopted 2013) forms part of Bury's Development Plan and sets out policies relating to minerals, including the safeguarding of mineral resources.

The proposed development is located within a Mineral Safeguarding Area for sand and gravel, sandstone, and coal and brick clay and therefore Greater Manchester Minerals Plan Policy 8 - Prior Extraction of Mineral Resources Within Mineral Safeguarding Areas is relevant.

The proposed site is adjacent to existing industrial development and the proposal would meet criterion 2 of Policy 8 - it can clearly be demonstrated that it is not environmentally acceptable or economically viable to extract the mineral prior to non-mineral development taking place. The proposal would therefore be acceptable in terms of Minerals Plan Policy 8.

Canal and River Trust

This application falls outside the notified area for its application scale and location. No comments to make.

Coal Authority

The proposed building will be sited entirely outside the DHRA, i.e. in the Development Low Risk Area. It does not appear that any works requiring significant groundworks are proposed within the part of the site which falls within the DHRA. As such, and in light of published guidance, the Coal Authority would not require the submission of a Coal Mining Risk Assessment in support of the planning application.

Despite the above, the Coal Authority note that the application is accompanied by a Preliminary Risk Assessment (February 2025, prepared by Zig Zag Environmental Limited), Section 5 of which relates to mining and ground stability matters. Based on a review of coal mining information, the report concludes that the proposed building 'will not be affected by shallow coal/coal mine workings and therefore no specific investigation or mitigation measures are required.'

The Coal Authority's Planning & Development Team considers that the content and conclusions of the Preliminary Risk Assessment are sufficient for the purposes of the planning system in demonstrating that coal mining legacy issues are not significant within the application site.

The Coal Authority therefore raise no objection to the proposed development. However, further more detailed considerations of ground conditions and foundation design may be required as part of any subsequent building regulations application. Should planning permission be granted for the proposed development the Coal Authority request an informative note be included to contact the coal authority should any coal related issues arise as a result of the development.

JP-C2: Digital Connectivity

This policy requires all new development to have full fibre to premises connections, unless technical infeasible and/or unviable. This policy supports high quality digital infrastructure and requires new development.

The applicant has stated that there is already a full fibre connection the site and this will be extended into the new building as part of the construction. As such, the proposal would accord with Policy JP-C2.

JP-S2: Carbon and Energy

This policy centres on how to deliver a carbon neutral Greater Manchester by 2038. The energy requirements of the development would not be energy intensive and would minimise energy demand by use of natural lighting and following Building Regulation requirements on energy use and lighting. The storage facility would not require space heating.

The proposals include for 2 EV charging points within the parking provision. This will enable

and encourage staff to use electric vehicles to drive to work. The majority of the staff live within a 5-mile radius of the site and sustainable travel is a viable option including walking, cycling and public transport.

As such the proposal would accord with Policy JP-S2.

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

The Local Planning Authority worked positively and proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. 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 -

Location plan Z344.000 rev 1
Warehouse floorplan Z344.001 rev 1344.002 rev 2
New warehouse site plan Z344.003 rev 3
Planning boundaries Z344.004
Existing site plan Z344.005
Landscape proposals plan Z344.006
Existing and proposed levels Z344.007
Route for articulated vehicles and swept paths Z344.009
Swept paths for simple full lock turn for articulated vehicles Z344.101
Carbon and energy and Digital connectivity statements
Transport Statement by DPM Transport Consulting Ltd 28/02/2025

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 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. The current application contains insufficient information regarding the proposed drainage scheme to fully assess the impact. To promote sustainable development and reduce flood risk pursuant to Policies JP-S4 and chapter 14 - Meeting the challenge of climate change, flooding and coastal change of the NPPF.

- 4 The development hereby approved shall be carried out in accordance with the soft landscaping proposals on the approved landscaped proposals plan Z344.006. The approved scheme shall be implemented not later than 12 months from the date the building is first occupied/brought into use or within the first available tree planting season,; and any trees or shrubs removed, dying or becoming severely damaged or becoming severely diseased within five years of planting shall be replaced by trees or shrubs of a similar size or species to those originally required to be planted.

Reason. To secure the satisfactory development of the site and in the interests of visual amenity pursuant to Policies EN1/2 - Townscape and Built Design, PfE Policy JP-G8 and chapter 15 - Conserving and enhancing the natural environment of the NPPF.

- 5 No development shall commence unless and until a 'Construction Traffic Management Plan' (CTMP), has been submitted to and agreed in writing with the Local Planning Authority and shall confirm/provide the following:

- A scheme of appropriate warning/construction traffic speed signage in the vicinity of the site and its access onto Wellington Street;
- Confirmation of hours of operation and number of vehicle movements;
- Arrangements for the turning and manoeuvring of vehicles within the curtilage of the site and/or measures to control/manage delivery vehicle manoeuvres;
- Parking on site or on land within the applicant's control of operatives' and construction vehicles, together with storage on site of construction materials;
- 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 construction period and the measures shall be retained and facilities used for the intended purpose for the duration of the construction period.

The areas identified shall not be used for any other purposes other than the turning/parking of vehicles and storage of construction materials.

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, and 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 JP-C8.

- 6 The turning facilities within the curtilage of the site indicated on the approved plans shall be provided before the development is brought into use and the areas used for the manoeuvring of vehicles shall subsequently be maintained free of obstruction at all times.

Reason. In the interests of highway safety and to minimise the standing and turning

movements of vehicles on the highway in the interests of road safety pursuant to policies JP-C5 and JP-C8.

- 7 The car parking indicated on the approved plans shall be surfaced, demarcated and made available for use to the written satisfaction of the Local Planning Authority prior to the development hereby approved being brought into use and thereafter maintained at all times.

Reason. To ensure adequate off-street car parking and to allow adequate space to maintain a vehicle clear of the highway in the interests of road safety pursuant to policy HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan.

- 8 The developmemnt hereby approved shall be constructed in materials detailed on approved plan 'warehouse elevations' Z344.002 rev 2.

Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.

- 9 The development hereby approved within any approved phase shall not be brought into use until written confirmation is provided to the Local Planning Authority that unexpected or previously unidentified contamination was not encountered during the course of development works.

If, during development, unexpected contamination is found to be present on the site, no further works shall be carried out at the affected location until the following are submitted to the Local Planning Authority for approval:

- I. Risk Assessment (GQRA or DQRA);
- II. Remediation Strategy & Verification Plan;

If remediation is required, it shall be carried out in accordance with the approved Remediation Strategy. Upon completion of remediation works, a Verification Report shall be submitted for approval. 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).

- 10 Any soil or soil forming materials to be brought to site for use in garden areas, soft landscaping, filling and level raising shall be tested for contamination and suitability for use.

Proposals for contamination testing including testing schedules, sampling frequencies and allowable contaminant concentrations (as determined by appropriate risk assessment) and source material information shall be submitted to the Local Planning Authority for approval prior to any soil or soil forming materials being brought onto site.

The approved contamination testing shall then be carried out and validity evidence (soil descriptions, laboratory certificates, photographs etc.) submitted to Local Planning Authority for approval prior to the development being brought into use.

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).

- 11 Prior to occupation the applicant shall provide:

DELEGATED REPORT

- A minimum of 1 no. electric vehicle (EV) charging point (minimum 7kW*) and at least one in every five remaining parking spaces must be provided with cable routes.

Certification and photographic evidence of the installation of the agreed electric vehicle charge points shall be submitted to Local Planning Authority for approval prior to the development being brought into use. The infrastructure shall be maintained and operational in perpetuity.

*Mode 3, 7kW (32A) single phase, or 22kW (32A) three phase, and for 50kW Mode 4 rapid charging may be required. British Standard BS EN 61851-1:2019 to be used. Further information regarding minimum standards can be found at <https://www.gov.uk/transport/low-emission-and-electric-vehicles>.

Reason. To encourage the uptake of ultra-low emission vehicles and ensure the development is sustainable and to safeguard residential amenity, public health and quality of life with respect to Local Air Quality, in accordance with paragraphs 112e, 117e, 187e and 199 of the National Planning Policy Framework (December 2024) and Places for Everyone Policy JP-S5 (Clean Air).

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JT	14/5/25		