

DELEGATED REPORT

Report by Helen Pressley	Date of report: 27/03/2026	Ref: 72745/FUL
Registration: 30/01/2026	LDfC: 11/03/2026	Expiry Date: 27/03/2026
Site Visit: 18/02/2026	Site Notice: 18/02/2026	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: COUS

Proposal: Change of use of land at the former fire station to vehicle storage yard (Sui Generis)

Location: Former Bury Fire Station, The Rock, Bury, BL9 5AH

Description

The application relates to the former site of Bury fire station at the junction of The Rock, Peel Way and Moorgate in Bury town centre. The site is currently vacant, with the slabs of the former Fire Station visible. The site is secured by a 2.1 metre chain link fence. The site is accessed from The Rock.

The proposal seeks a temporary, three year change of use of the land formerly occupied by Bury Fire Station to vehicle storage. The site is located within Bury Town Centre, to the north of the Main Shopping Area of Bury Town Centre allocated under UDP Policy S1/1

Relevant Planning History

Site

37238 - 1 x Internally Illuminated Wall Mounted Sign - Approve 21/12/2000

57009 - Prior approval for the proposed demolition of former fire station and restoration of the site. - Prior Approval Required and Granted 29/01/2014.

57032 - Erection of a 2.1m high security fence to a section of the site boundary (comprising standard 2.1 metre high chain link fencing system fully galvanised and plastic coated in green (ral 6005) (Following demolition of the existing building). - Approve with Conditions 03/02/2014

181 - 183 The Rock

39037 - Illuminated Fascia Signs - Approve 07/05/2002

55073 - Change of use from tanning studio (Sui Generis) to restaurant (Class A3); Extraction flue at rear - Approve with Conditions 15/05/2012

56563 - Internally illuminated fascia sign at front and side - Approve with Conditions 05/09/2013

56371 - Change of use from tanning studio (Sui Generis) to retail (Class A1) - Approve with Conditions 17/07/2023

71518 - Prior approval for proposed demolition of former office/retail showroom and adjacent workshop building - Prior approval required and Granted 05/02/2025

Former Paradise Mill

59809 - Demolition of existing buildings and formation of public pay and display car park

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including resurfacing works and boundary treatments (temporary period of 3 years) at Paradise Mill, John Street, Bury. Approved with conditions - 13/10/2016.

60750 - Variation of condition 2 following grant of application 59809 - Proposal to extend the temporary consent from 3 years to 5 years at Paradise Mill, John Street, Bury. Approved with conditions - 23/02/2017

62599 - Variation of condition no. 2 of planning permission 59809 to extend the period of time for use of the car park until 2023, and regularisation of development works at Paradise Mill, John Street, Bury. Approved with conditions - 13/07/2018

Publicity

Letters sent to 98 neighbouring properties 03/02/2026
Site notice 18/02/2026

1 comment received in relation to:

- No transport assessment or supporting analysis addressing vehicular movements, access suitability, trip generation, internal circulation or highway safety implications.
- Unable to assess or meaningfully comment on the application without this information.
- Land is in the ownership of the Local Authority and the Authority stands to derive a financial benefit should planning permission be granted.
- Application should be handled with complete transparency and adherence to proper process.

Statutory/Non-Statutory Consultations

Traffic Section - Recommendation for refusal due to intensification of a sub-standard access, surfacing, insufficient information in relation to surface water drainage and visitor parking.

Environmental Health - Contaminated Land - No formal response. Query raised in relation to the use as an Air Quality Assessment would be required for a car park.

Environmental Health - Pollution Control - No Comment

Borough Engineer - Drainage Section - No response

Transport for Greater Manchester - There is no transport or highway data to assess and as such TfGM have no comments in respect of this application

Greater Manchester Ecology Unit - Informative requested in relation to protected species. Conditions requested in relation to working during nesting season and enhancements and net gains for biodiversity.

Biodiversity Net Gain information insufficient.

United Utilities (Water and waste) - No response

Property & Technical Services - Estates Consultancy No formal response. Confirmation that lease is for 3 years for the storage of new and nearly new case.

Pre-start Conditions - Not relevant

Development Plan and Policies

Area	The Rock/Peel Way
BY5	
EN1/2	Townscape and Built Design
EN1/7	Throughroutes and Gateways

EN6/3	Features of Ecological Value
EC4/1	Small Businesses
EC6/1	New Business, Industrial and Commercial
EC2/1	Employment Generating Areas
S1/1	Shopping in Bury Town Centre
HT2/4	Car Parking and New Development
JP-J2	Employment Sites and Premises
JP-J4	Industry and Warehousing Development
JP-C1	Our Integrated Network
JP-C2	Digital Connectivity
JP-C5	Streets For All
JP-C6	Walking and Cycling
JP-P1	Sustainable Places
JP-G7	Trees and Woodland
JP-G8	A Net Enhancement of Biodiversity and Geodiversity
JP-S2	Carbon and Energy
JP-S5	Clean Air
SPD11	Parking Standards in Bury
NPPF	National Planning Policy Framework

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 (use)

The proposal seeks a temporary, three year change of use of the land formerly occupied by Bury Fire Station to vehicle storage. The site is located within Bury Town Centre, to the north of the Main Shopping Area of Bury Town Centre allocated under UDP Policy S1/1

UDP Policy EC4/1 confirms that proposals for small businesses will be acceptable where the scale of the development is appropriate to and the use environmentally compatible with the surrounding area in which it is to be located. This is further supported by UDP Policy EC6/1 expects new industrial, commercial and business development to be of a high standard of design and appearance and take into account the surrounding environment, amenity and safety of employees, visitors and adjacent occupiers. Factors which are considered include -

- scale, size, density, layout, height, materials
- access and parking
- landscaping and boundary treatment
- effect on neighbouring properties
- safety

PfE Policies JP-J2 and JP-J4 support a diverse range of employment sites across the Plan area.

The site is located within Area BY5 - The Rock/Peel Way as allocated within the Bury UDP. This allocation states that the Council will encourage and promote proposals for retailing and ancillary uses, business (B1) office and car parking uses within the Rock/Peel Way area of the town centre. The justification of this Policy confirms that the area is a mix of town centre uses, forming an important gateway to the town. This also acknowledges that there are a number of opportunities to improve the area's overall appearance.

The proposal would seek to change the use of the site to vehicle storage yard, for a business on a separate site. This is considered to be an employment use. It is unknown where this business is located. The Design and Access Statement states that the storage is required to allow for continued operation of the business. The cars to be stored are for credit hire purposes aged up to 5 years old.

On the 18th February the Case Officer sought clarity on a number of issues, including more information in relation to how the site would be operated, what the cars are being stored in relation to, why it is needed, how vehicles would be delivered to site. This has not been expanded on by the applicant.

On balance however, as the proposal is temporary for a 3 year period, and would bring a currently unused and untidy piece of land back into use it is considered that a condition could be utilised to secure the temporary use of the site in accordance with the aspirations of Area BY5 as an opportunity to improve the area's overall appearance.

Design and Layout

In addition to the policies set out above 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. This is further supported by UDP Policy EN1/7 that states that the council is concerned to improve the quality of development along throughroutes and at gateways, and will require new proposals fronting major throughroutes and at the identified gateways to display a high standard of design and landscaping. Policy JP-P1 aims to promote a series of beautiful, healthy and varied places.

As set out above the site is located on a key gateway to the town centre and shopping areas. Peel Way is considered to be a strategic throughroute. The site itself is very prominent on the junction of The Rock, Peel Way and Moorgate in Bury town centre. The site has become unkempt and it is acknowledged that bringing the site back into use would allow for some of the vegetation that has grown within the site to be cleared. The application however proposes no surfacing, lighting or amended boundary treatments to facilitate the proposed use.

Given the prominent location of the site is considered that some sort of screening would be appropriate to ensure that the storage use would not have a detrimental impact on the character of the area, particularly considering its position in relation to the main shopping area for the town. The proposed development would, by reason its proposed use, position and lack of screening, be a prominent and intrusive feature in the street scene and would therefore, be seriously detrimental to the visual amenities of the area contrary to Policies EN1/2, EN1/7, EC6/1 and JP-P1.

In addition the existing site is very uneven in parts with slabs still on site from the former use. It is unclear how vehicles utilising the site would maneuver, and how cars could be stored in the areas indicated without the need to resurface. Photographs were sent by the Case Officer to the applicant's agent on the 27th February in relation to this. Although the applicant did return amended plans it did not really address the issue and the Design and Access Statement confirms that the proposal does not include resurfacing. Drawing 201 C for instance shows vehicles parked next to the electricity sub station to the northern boundary of the site where the Case Officer clearly highlighted uneven surfaces to the applicant's agent. Similarly the land to the side of the proposed access is uneven and is shown to be utilised in drawing 202A for the tracking and turning within the site. It is therefore unclear how the proposal can be implemented in accordance with the proposed plans. This will be expanded on further below in access.

Access

In addition to UDP Policy EC6/1, UDP Policy EN1/2 requires the consideration of the design and appearance of access, parking and service provision. 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 include the removal of uneven areas within the site to form a level surface suitable for the storage of or movement of vehicles, or the demarcation of those areas, to ensure adequate off street car storage arrangements and compliance with the proposed plans can be accommodated. This has a potential to impact the use of the site as intended and could have impacts outside of the site in terms of highway safety if vehicles can not be turned within the site.

Access to the site would be gained from The Rock. This access is currently utilised by a car park, with a one way vehicular access. Pedestrian access to the car park is gained directly from The Rock. The exit for this car park appears to be located on John Street. This car park does not have planning permission, and utilises an exit for an existing car park where the temporary car parking use has also lapsed. These issues have been reported to Planning Enforcement and the Bury Council Estates Team.

The issue of the competing access needs has been raised by the Case Officer who asked how the tracking would work with the existing car park, and how the two uses would be separated and managed. Whilst acknowledged that the applicant foresees minimal vehicular movements throughout the day/week there is a conflict with the use of the access that needs to be addressed. The Case Officer also highlighted that 181 - 183 had been demolished. The site plan was amended by the applicant to show a gate at the entrance and elevations of this gate were provided. The site plan however was not updated to show the access to the adjacent car park, did not show that 181- 183 had been demolished and did not show how the two uses, and their associated access needs would be separated and managed.

It is considered that the proposal would result in the intensification of use of sub-standard access arrangements onto The Rock, currently operating with one way working, which would result in the creation of conflicts on and at the interface with the adopted highway, to the detriment of highway safety.

Parking

In terms of parking standards UDP Policy HT2/4 requires all applications for development to make adequate provision for their car parking and servicing requirements . Supplementary Planning Document 11 (SPD11) provides parking standards for developments.

The site is located within Zone 1. Within this zone, for B8 Storage and distribution 1 space per 500 square metres is required. The application site is 4525.70 square metres which would equate to 9 spaces. 2 spaces are proposed for staff, and 1 for visitors.

The applicant has stated within their supporting statement that the staff parking spaces are allocated purely for the purposes of opening and waiting at the site for deliveries by others. As such this is considered to be adequate for the proposed use.

Given that the applicant has confirmed that the site is for a storage for a business on another site and would not be used for retail or mechanical operations however, it is unclear why a visitor space would be required.

Ecology and Biodiversity Net Gain

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. Policy EN8/2 supports and encourages new woodland and tree planting within the borough. This is further supported by 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.

No ecological documents such as a Preliminary Ecological Appraisal (PEA) have been provided to assess the value of the site for protected/priority species. Vegetation appears to be colonising the site including small areas of grassland, scattered ruderal vegetation and scrub (such as buddleia) growing through the concrete and at least three trees located towards the south-east/south of the site. The site is also located within a dense urban area. Overall, the site is unlikely to support protected species but the trees and scrub may have some value for nesting birds.

Time limited applications are not automatically exempt from mandatory Biodiversity net Gain. The applicant originally stated that the application site was The Application Form states that the proposal is exempt from a Biodiversity Net Gain (BNG) assessment under the de minimis exemption (less than 25m2 of habitat loss) however given the vegetation

that is clearly on site the applicant was asked to confirm this through the submission of a Defra metric which was subsequently submitted and confirms that the total area lost (excluded area of individual trees, green walls and hard structures) would be 0.07 hectares or 700 square metres. As such BNG does apply.

The metric however is flagging an 'Area Check' error (on tab A-2) which means that the area created does not equal the area lost. In the creation section, all habitats must be input into the metric, even if it is developed land (e.g. concrete). The total site area in the baseline and created tabs must match and also be consistent with the size of the site.

There is also no accompanying report to go with the BNG metric. Government guidance for LPAs includes a list of minimum requirements for BNG assessments with one of the requirements being a baseline map of the existing habitats. Therefore, the LPA and Greater Manchester Ecology Unit (GMEU) expect a baseline plan to be provided to give context to the baseline habitats and show where they are located.

No habitat condition assessments have been provided for the baseline habitats inputted.

The Proposed Site Plan submitted appears to show green areas which appears to be the 'modified' grassland inputted into the metric. However, the metric also states that areas of mixed scrub, modified grassland, ruderal/ephemeral, and urban trees will be retained. None of these are shown on the proposed map which makes it challenging to review whether the metric is accurate to the proposed plans. A clear proposed plan should be provided.

Given the above it is considered that the application and submitted plans contain insufficient information to enable them to be properly assessed in relation to Biodiversity Net Gain and the loss of existing habitats on site. The proposal would therefore fail to comply with Schedule 7A of the Town and Country Planning Act 1990 and Policies JP-G8 A Net Enhancement of Biodiversity and Geodiversity, EN8/2 - Woodland and Tree Planting and JP-G7 Trees and Woodland of the adopted Development Plan.

It is noted that the applicant did submit additional information on the 25th March to address this issue however the determination date for the application is the 27th March and there would not be adequate time for GMEU to review and return comments on the additional information before this date.

Government guidance is clear that it is at the discretion of the Local Planning Authority (LPA) whether to accept changes or additional information to submitted applications. The LPA also has discretion to determine if the changes need to be re-consulted on, or if the proposed changes are so significant as to materially alter the proposal such that a new application should be submitted. It should be noted that the LPA would not seek to negotiate small amendments that will not affect the overall in principle decision, which the amended information does not.

Carbon and Energy and Digital Connectivity

PfE Policy JP-S2 sets out the steps required to achieve net zero carbon emissions. PfE Policy JP-C2 requires development to have full fibre to premises connections unless infeasible or unviable, with multiple-ducting.

Given the proposal, that would not require any construction of buildings it is considered that these Policies would not apply.

Response to Representations

As clearly set out above additional information in relation to the proposed use has been requested during the application process.

The application has been processed as any other Planning Application would. A decision has been reached in relation to material planning considerations and not on who the land

owner is.

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

The proposal would not improve the economic, social and environmental conditions of the area nor does it comply with the development plan and therefore does not comprise sustainable development. There were no amendments to the scheme, or conditions which could reasonably have been imposed, which could have made the development acceptable and it was therefore not possible to approve the application. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

Recommendation: Refuse

Conditions and Reasons:

- 1 The proposed development would, by reason of its size, position and lack of screening, be a prominent and intrusive feature in the street scene and would therefore, be seriously detrimental to the visual amenities of the area. The proposed development therefore conflicts with the following policies of the Bury Unitary Development Plan and Places for Everyone Joint Development Framework EN1/2 - Townscape and Built Design, EN1/7 - Throughroutes and Gateways, EC6/1 - New Business, Industrial and Commercial Development and JP-P1 - Sustainable Places
- 2 The application fails to demonstrate how the existing site levels would be dealt with to enable the site to be used for the intended purpose. As a result of the lack of demonstrable information over surfacing, this has a potential to impact the use of the site as intended and would have a detrimental impact outside of the site in terms of highway safety whereby vehicles can not be turned within the site . The proposed development therefore conflicts with the following policies of the Bury Unitary Development Plan and Places for Everyone Joint Development Framework EN1/2 - Townscape and Built Design, EN1/7 - Throughroutes and Gateways, EC6/1 - New Business, Industrial and Commercial Development, JP-P1 - Sustainable Places. JP-C5 Streets for All and JP-C6 Walking and Cycling.
- 3 The application and submitted plans contain insufficient information to ensure that adequate surface water drainage arrangements are proposed within the curtilage of the site to prevent the discharge of surface water onto the adopted highway from the proposed vehicle storage yard, to the detriment of maintaining the integrity of the adjacent adopted highway. The proposed development therefore conflicts with the following policies of the Bury Unitary Development Plan and Places for Everyone Joint Development Framework EN1/2 - Townscape and Built Design, EN1/7 - Throughroutes and Gateways, EC6/1 - New Business, Industrial and Commercial Development, JP-P1 - Sustainable Places. JP-C5 Streets for All and JP-C6 Walking and Cycling.
- 4 The application and submitted plans contain insufficient information to confirm why visitor parking provision is required for the use proposed. The proposed development therefore conflicts with the following policies of the Bury Unitary Development Plan and Places for Everyone Joint Development Framework EC6/1 - New Business, Industrial and Commercial Development, HT2/4 - Car Parking and New Development and Supplementary Planning Document 11.
- 5 The application, submitted plans and Biodiversity Net Gain metric contain insufficient information to enable them to be properly assessed in relation to Biodiversity Net

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Gain and the loss of existing habitats on site. The proposal would therefore fail to comply with Schedule 7A of the Town and Country Planning Act 1990 and Policies JP-G8 A Net Enhancement of Biodiversity and Geodiversity, EN8/2 - Woodland and Tree Planting and JP-G7 Trees and Woodland of the adopted Development Plan.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
HP	27/03/2026	HL	26.03.2026