

DELEGATED REPORT

Report by Helen Leach	Date of report: 24/06/2025	Ref: 71785/FUL
Registration: 27/03/2025	LDfC: 05/05/2025	Expiry Date: 22/05/2025
Site Visit: 30/04/2025	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MIOT

Proposal: Installation of four rapid electric vehicle charging stations and ancillary equipment, including one fully accessible EV charging bay.

Location: Halls Mill Retail Park, Back Foundry Street, Bury, BL9 7AZ

Description

The application site relates to a retail park (Halls Mill) which is located to the south of Bury Town Centre. The site is bounded by Foundry Street to the north from where access is taken, South Cross Street to the south west and Lord Street to the south east from which is access to the servicing yard.

The retail park itself comprises of 3 units - Bensons for Beds - Unit A (933 sqm), Pets at Home - Unit B (751sqm) and the larger unit, Smyths Toys - Unit C (1,588 sqm). The front of the site is the car park including accessible bays, parent and child bays, motorbike spaces and cycle hoops. The site has a 2-way access on/off Foundry Street and leads to a circular clockwise route round the car park.

The surrounding area is predominantly commercial in character, comprising the likes of a supermarket, retail outlets and also leisure facilities. To the south are residential terraced properties.

Permission was granted in May 2025 for the part demolition, reconfiguration and extension of Unit A to create two new retail (Class E(a)).

The proposed development involves the installation of 4 rapid electric vehicle charging stations (including 1 accessible EV charging bay) and ancillary equipment on the existing car park at the Halls Mill Retail Park off Foundry Street.

Relevant Planning History

49672 - Erection of 6179 square metres non-food retail units with car parking and servicing at land bounded by Foundry Street, Lord Street and South Cross Street, Bury. Approved with conditions - 4 June 2008.

52590 - Application for non-material amendment following grant of planning permission 49672:

1. Variance of condition 15 changing the scheme from 5 non-food units to 3 non-food units
 2. Omission of glazing to proposed north east elevation; Deletion of 2 entrances; Relocation of 1 entrance; Re-configuration of doorways to the rear
 3. Allowance of Toys to be sold from the site
- at land bounded by Foundry Street, Lord Street and South Cross Street, Bury. Approved with conditions - 5 July 2010.

53774 - Non-material amendment following grant of planning permission 49672:

1. Additional pedestrian link into the site from Foundry Street

2. Changes to soft landscaping scheme to suit new layout at land bounded by Foundry Street, Lord Street and South Cross Street, Bury. Approved - 26 April 2011.

71550 - Part demolition, reconfiguration and extension of Unit A to create two new Class E(a) units (including food sales in Unit A1) and associated works at Halls Mill Retail Park, Back Foundry Street, Bury. Approved with conditions - 23 May 2025.

Adjacent site

68943 - Installation of 2no. Rapid Taxi Electric Vehicle chargers and upgrade current fast charger on site at Foundry Street car park, Foundry Street, Bury. Approved with conditions - 22 November 2022.

Publicity

The neighbouring properties were notified by means of a letter on 9 April 2025. There has been no response.

Statutory/Non-Statutory Consultations

Traffic Section - No objections.

GM Ecology Unit - No response.

Environmental Health - Contaminated Land - No objections, subject to the inclusion of conditions relating to contaminated land.

Pre-start Conditions - Not relevant.

Development Plan and Policies

EN1/2	Townscape and Built Design
EN1/4	Street Furniture
S1/1	Shopping in Bury Town Centre
HT2/4	Car Parking and New Development
HT5/1	Access For Those with Special Needs
JP-S2	Carbon and Energy
JP-S5	Clean Air
JP-C5	Streets For All
JP-C6	Walking and Cycling
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 - The National Planning Policy Framework states that development should be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

Policy JP-S5 of the Places for Everyone Joint Development Plan states that a comprehensive range of measures will be taken to support improvements in air quality, focusing particularly on locations where people live, where children learn and play, where there are impacts on the green infrastructure network and where air quality targets are not being met, including locating and designing development, and focusing transport investment, so as to reduce reliance on forms of transport that generate air pollution.

The proposed development would provide electric vehicle charging points, which would reduce reliance upon forms of transport that generate air pollution. Therefore, the proposed development would be in accordance with Policy JP-S5 of the Places for Everyone Joint Development Plan and the NPPF.

Visual amenity - The proposed charging points and associated equipment cabinet pillar would be located within the car park, but on the frontage to Foundry Street, immediately associated with the existing charging unit (which would be replaced). The proposal would be viewed within the context car park and the wider commercial character of the area and as such would not have an adverse impact on the character of the area.

A small amount of landscaping would be removed to provide the feeder pillar. A new area of landscaping would be located to the east of this site and would be larger than the one removed. As such, this would be acceptable and would not have an adverse impact upon the character of the area.

Therefore, the proposed development would be in accordance with Policy EN1/2 of the

Bury Unitary Development Plan.

Highways issues/Parking - The proposed development would result in the loss of 7 spaces in the area near the entrance of the car park to provide 4 spaces with electric vehicle chargers. This would be a net loss of 3 spaces.

Planning permission has recently been granted for extensions to the existing units on site to provide 2 new retail units. This resulted in a reduction of the parking on site. However, since that application was approved, the Council has adopted an updated SPD on parking standards.

SPD11 states that the maximum parking standards for a Class E non-food retail unit would be:

- 1 space per 100 square metres of floorspace;
- 2 spaces for motorcycle parking;
- 6% of capacity or 3 spaces for accessible parking bays;
- 10% of the total spaces should have access to an EV charging point.

This would equate to 41 spaces, 2 motorcycle spaces, 3 accessible parking bays and 4 spaces with EV chargers.

Following the proposed development, there would be 100 spaces, 9 accessible spaces, 4 parent and child bays, 4 motorbike parking spaces and 8 cycle hoops. Therefore, given the significant over provision of spaces, the proposed loss of 7 spaces would not adversely impact upon the parking provision at the site.

SPD11 states that a parking space should be 2.5 metres by 5 metres. The proposed parking bays would measure 3.2 metres by 4.8 metres. As the proposed EV chargers are being fitted into an existing car park and the proposed spaces would be wider than necessary, the proposed parking bays would be acceptable in this instance.

Therefore, the proposed development would not have an adverse impact upon highway safety and would be in accordance with Policy HT2/4 of the Bury Unitary Development Plan and SPD11.

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 numbered 10640-0027-02 A, 10640-0027-01-PL A, 001-27 B, 001-29 C, 001-58 A and the development shall not be carried out except in accordance with the drawings hereby approved.

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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 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).

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
HL - 24/06/2025			