

DELEGATED REPORT

Report by Tom Beirne	Date of report: 09/07/2025	Ref: 70987/FUL
Registration: 19/03/2025	LDFC: 15/04/2025	Expiry Date: 14/05/2025
Site Visit: 08/04/2025	Site Notice: 22/04/2025	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 1 no. unit for storage of existing plant on site

Location: Site adjacent to Unit 1, Todd Street, Bury, BL9 5AA

Description

The application relates to an industrial site within Fernhill Employment Generating Area. The plot is located next to an existing undustrial unit on a concrete hardstanding used for incidental plant storage. The existing palisade boundary fence behind which the plot is situated would remain in situ. Access to the site is via Todd Street.

The proposal is to site a single storey industrial/storage unit on the site. The footprint of the unit would measure 17.8m by 14.3m with an eaves height of 5.6m and a shallow pitched roof with a ridge height of 7.7m. The unit would be constructed with a brick skirt and green profiled cladding. The roof would be constructed in grey profiled metal cladding.

Relevant Planning History

N/A

Publicity

Immediate businesses notified by letter dated 24/03/2025. Site notice posed. No objections received.

Statutory/Non-Statutory Consultations

Traffic Section - No objection
Environmental Health - No objection.
Drainage Section - No comment.
United Utilities - Condition.
The Coal Authority - No objection
Greater Manchester Ecology Unit - No comment.

Pre-start Conditions - N/A

Development Plan and Policies

EN1/2	Townscape and Built Design
EC2/2	Employment Land and Premises
EC4/1	Small Businesses
NPPF	National Planning Policy Framework
JP-J2	Employment Sites and Premises

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.

Use - Given the site is within an existing employment generating area, the principle of the development is acceptable. The new unit would facilitate increased employment generation and be compliant with the NPPF andf UDP Policy EN2/1 relating to industrial development.

Visual amenity - Sited adjacent to an existing industrial unit, behind the existing palisade fence, the new unit would be in keeping with the site and surroundings. The unit constructed with profiled green metal cladding, would not be visually prominent. The proposal would be acceptable and complies with UDP Policy EN1/2 Townscape and Built Design.

Residential amenity - With no residential properties in the immediate vicinity, there are not residential amenity issues arising. Complies with UDP Policy EC4/1 Small Businesses with

regard to residential amenity.

Access, Parking and Servicing - The existing access point would be used and as the unit is modest in scale, would not generate significant traffic over and above that already accessing the enclosure. Existing parking provision is adequate. The proposal is acceptable and complies with UDP Policy EC4/1 relating to small businesses, parking and access.

Drainage - UU have recommended a drainage condition and this has been added.

Coal Board - The Coal Board has withdrawn their initial objection.

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 JCBD-24-388-2 and JCBD-24-388-5/04 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.

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Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution pursuant to the NPPF.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
Tom Beirne	09/07/2025		