

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
24/00567/FUL	Nick Brookman	25 February 2025

Address: Former Truck Stop, Heywood Distribution Park, Pilsworth Road, Heywood, OL10 2TT

Proposal: Existing truck stop to be used as overspill parking/waiting area for operational vehicles together with the installation of bio-fuel tank, generator and LV Panel container including installation of 50 EV charge points.

PUBLICITY	Weekly list expired?	Y	Site notice expired?	Y
	Neighbour letters expired?	Y	Press Notice expired?	N/A

DELEGATION	Significant departure from local plan?	N	Contrary to national policy?	N
	Applicant a Council Member or officer?	N	Contrary to previous decision?	N
	Major with 10 or more objections and recommending approval?	Y	Called in or Planning Panel objection?	N

COMMENTS	Planning Panel comments received?	N
	Neighbour comments received?	Y

EIA	Screening opinion completed and saved to Onbase?	N/A
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CONDITIONS	Pre-commencement conditions proposed?	N/A
	Pre-commencement conditions agreed (or notification period expired)?	N/A

RECOMMENDATION	REFUSE
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CHECKED AND SIGNED OFF BY: LA

DATE: 27.02.25

SITE

The application relates to an existing lorry park which occupies a 3.6ha parcel of land at the north-eastern corner of Heywood Distribution Park. The wider park itself comprises a variety of large scale modern and refurbished businesses and warehouse units.

This application site itself is set between Pilsworth Road which runs from the northeast to the south and the East Lancashire Railway which runs across the north of the site from east to west, beyond which is a residential estate. To the west are industrial premises occupied by Iron Mountain. The site is predominantly covered by hardstanding with dense vegetation entirely screening the site to the north and from Pilsworth Road to the southeast.

The site is previously developed land and the surrounding area is designated as a 'Primary Employment Zone' in Rochdale Borough Council's UDP Proposals Map (Policy EC/2).

PROPOSAL

The proposed development comprises the installation of a bio-fuel generator, an electrical cabin/container, a bio-fuel storage structure, battery storage and 50 no 32amp TPN (EV) sockets adjacent to the existing HGV parking spaces on the site.

The application site has extant planning permission with specific reference to planning permission 95/D31582.

Diesel engines currently power the refrigeration units within the trailers on site and these run as and when required during day time and night time hours. This is inconsistent with Condition 3 of planning permission referenced 95/D31582 which states that *no refrigeration equipment is to operate on any vehicle or trailer within the lorry park except if powered by mains electricity*. The current operations on site are causing a nuisance for neighbouring residential dwellings in the north.

As a result, rather than using diesel engines to power the refrigerated trailers, a biofuel generator is proposed which would provide electricity to 50no. of the existing vehicle spaces via charging points. These would then connect into the refrigerated trailers.

Accordingly, in order to regularise the situation, this planning application is being submitted to allow for an alternative means of powering the refrigerated trailers on site which would eliminate the need for the use of the diesel engines which are currently powering the refrigeration units.

The bio-fuel generator would power the refrigerated trailer units during day time hours whilst also charging up batteries on site. During night time hours, the generator would be turned off and the stored energy from the batteries would then be released to allow for the refrigerated trailers to then be powered without the use of the generator.

A 7m high timber acoustic fence is proposed around the west, northern and north east boundaries of the site. A smaller but identically designed 3m high acoustic fence is also proposed around the bio-fuel generator and associated infrastructure in the south east corner of the site.

RELEVANT PLANNING POLICY

National Guidance

Places for Everyone Joint Development Plan (PfE)

The Places for Everyone Joint Development Plan was adopted and became part of the statutory development plan for each of the 9 authorities covered by the plan on 21st March 2024. The following policies are relevant:

JP-P1	Sustainable Places
JP-C7	Freight and Logistics
JP-S1	Sustainable Development

Adopted Rochdale Core Strategy (CS):

SD1	Delivering sustainable development
DM1	General development requirements
SO3	Improving design, image and quality of place
P3	Improving design of new development
SO4	Promoting a greener environment
G9	Reducing the impact of pollution, contamination and land stability

Unitary Development Plan (UDP):

G/D/1	Defined Urban Area
EC/2	Primary Employment Zones

RELEVANT SITE HISTORY

95/D31582 Formation of Lorry Park with 426 Spaces – Granted subject to conditions.

06/D43761 Distribution Development (B8) – Covering a More Extensive Area Beyond the Lorry Park – Granted subject to conditions.

08/D51153 - Formation Of Lorry Park Including Creation Of An Emergency Access And Erection Of Additional Perimeter Fencing To Match Existing – Granted subject to conditions.

22/00572/FUL – Resurfacing of existing truck stop and car parking area with associated drainage including installation of lighting and electric vehicle charging points – Granted subject to conditions.

CONSULTATION RESPONSES

Highways

The proposed usage and existing usage will operate much the same in highways terms and as such Highways have no objections to the proposed development.

Environmental Health (Noise)

Environmental Health initially commented that they cannot support the proposal.

'The acoustic report submitted in support of app 24/00567/FUL has been reviewed for the planned mitigation measures at the Truck stop, Heywood Distribution Park.

Unfortunately, even with the planned mitigation the resultant noise level will be +17 dB(A) over background (currently +23dB(A)), both of these figures represent a significant adverse impact on existing residential. Based on these results we could not support this application in its current form'.

The applicants then proposed to introduce a 7m high acoustic fence around the north, north west and north east boundaries which resulted in the submission of an amended Noise Impact Assessment following re-calculations of proposed noise levels.

Environmental Health were re-consulted and confirmed that whilst the proposed mitigation measures may just be acceptable, without the submission of a cross section plan demonstrating the relative heights of the receptors in the north and the application site as well, the application cannot be supported. Environmental Health needed to ascertain the effectiveness of the screen.

The requested cross section plan was not submitted and so Environmental Health could not support the application.

Network Rail

No objections.

Tree Officer

No objection subject to conditions.

REPRESENTATIONS

64 Letters of notification were sent to neighbouring properties and 25 objections have been received which raised the following comments:

- ☐ The application is in breach of condition 3 of the original planning consent that requires any refrigerated vehicles to be powered by mains electricity.
- ☐ There are no specifications of the electrical generating capacity of the generator or the storage capacity of the batteries and/or any supporting documents to confirm that the solution proposed can provide sufficient electrical power to run the 50 trailer electrical points for a full 24 hours if need be.
- ☐ The Goods Vehicle Operators Licence application for the site from Browers is for 65 trailers and this application would provide 15 charging points less than trailer capacity.
- ☐ The site has no offices and is unmanned.
- ☐ HGV's currently park where it is convenient.
- ☐ How will the power generating equipment be supervised, maintained and policed.
- ☐ Excess noise also created on site from vehicle shunting in the process of uncoupling and coupling of the refrigerated units with the tractor units.
- ☐ Residents do not want to open windows owing to noise levels.
- ☐ Increase in noise pollution.
- ☐ Unable to sleep at night because of the noise.
- ☐ Reduced property value
- ☐ Health concerns with associated exposure to increased noise and pollution.

ANALYSIS

Principle of Development

The use of the site for industrial purposes is already well established in principle given its historic use.

The application site is located within the Defined Urban Area as designated under the Proposals Map of the Unitary Development Plan (UDP). New development, wherever possible and appropriate, should be concentrated within the urban area in order to support urban regeneration and to protect the countryside. In this instance the application lies on the periphery of the Primary Employment Zone as identified in the UDP (Policy EC/2).

Whilst the site is brownfield land and already in use, Policy E2 of the adopted Core Strategy also ensures that there will be a sufficient supply of suitable land, buildings and infrastructure to support the creation and retention of successful businesses. Policy JP-J2 of PfE states 'a diverse range of employment sites and accessible premises, both new and second-hand, will be made available across the Plan area in terms of location, scale, type and cost' whilst Policy JP-J4 states 'industrial and warehousing accommodation is essential to a wide range of businesses across many economic sector citing that at least 3,513,000sqm of new, accessible, industrial and warehousing floor space will be provided in the Plan area over the period 2022-2039'.

Paragraph 124 of the NPPF sets out that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. More specifically, paragraph 125 (c) states that '*planning policies and decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land*'.

Paragraph 85 of the NPPF sets out that '*Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development*'.

The proposed development seeks to regularise an existing noise nuisance situation on site to allow for an alternative means of powering the refrigerated trailers on site which would eliminate the need for the use of the diesel engines which are currently powering the refrigeration units.

Given the intention of the development proposed and taking into account the surrounding land uses and land allocation, subject to being compliant with the necessary material planning considerations below, the proposed development would be acceptable in principle and it is in accordance with the requirements of saved UDP Policy EC/2, the NPPF and PfE.

Noise and Impact on Surrounding Land Uses & Residential Amenity

Core Strategy policy G9 sets out the Council's requirements and approach to all forms of pollution including the risk of noise, as they relate to new development.

Paragraph 198 of the NPPF also states that planning policies and decisions should ensure that new development is appropriate for its location, taking into account the likely effects of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so, planning decisions should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development and avoid giving rise to significant adverse impacts on health and the quality of life.

Paragraph 135 of the NPPF also seeks to ensure that planning decisions create places which promote health and well-being, with a high standard of amenity for existing and future users. Policies DM1 and G9 of the adopted Rochdale Core Strategy seek to ensure that new development is compatible with surrounding land uses, both in terms of its impact upon those uses and the impact of the surrounding land uses upon the amenities of future residents / users, also requiring that development does not have impacts that lead to an unacceptable increase in air, water, noise, light or other pollution. Additionally, policy DM1 of the Core Strategy requires that proposals should not adversely affect the amenity of residents or users through visual intrusion, overbearing impact, overshadowing or loss of privacy.

The site is located within an existing employment area but there are residential properties within close proximity of the northern boundary of the site. The existing operations and use of the diesel engines on site are currently creating unacceptable levels of noise and disturbance which is adversely affecting the nearby residential receptors.

As set out above, the proposed development seeks to regularise the existing noise nuisance situation on site to allow for an alternative means of powering the refrigerated trailers which would eliminate the need for the use of the diesel engines which are currently powering the refrigeration units.

The application is accompanied by a Noise Impact Assessment (NIA) which sets out that provided that the generator is installed approximately 200m from the nearest receptor, the generator(s) shall be designed to achieve a noise level no greater than 60 dBA at 10m from the generator, with the exhaust facing away from the receptors. Should more than one generator be utilised, this limit would apply cumulatively. For reference, this is anticipated to result in a noise level of no greater than 33 dBA at the nearest noise sensitive receptor.

It has already been stated that the biofuel generator is to be sited in the far south east corner of the site and further mitigation measures are proposed to enclose the biofuel generator with acoustic fencing.

Following concerns and objections from the Council's Environmental Health team, the noise levels at the nearest receptor were recalculated to incorporate proposed mitigation measures. These additional mitigation measures are required to be implemented and they comprise the installation of a 7m high acoustic timber fence along the western, northern and north eastern boundaries of the site. The aim of this is to break the line of sight from the idling trailer zones from all nearby residential receptors as well as significantly reduce the levels of noise leaving the site. The revised Noise Impact Assessment confirmed that following the recalculation of the noise levels taking into account the proposed mitigation measures presented a

screen loss afforded by the acoustic barrier which ranges from approximately 8 dB at the locations furthest from the barrier to approximately 11 dB at the locations nearest the barrier.

Notwithstanding the submission of the revised Noise Impact Assessment, Officers requested the submission of further information from the applicant that demonstrates the relative heights of the neighbouring dwellings in the north, the East Lancs Railway and the application site because it was not possible to determine if the height of the proposed acoustic fence is sufficient to protect the residential and sensitive receptors in the north. The Council therefore requested the submission of a wider cross section drawing to take into account the relative heights of the neighbouring residential land to the north, the East Lancs Railway and the application site to illustrate how the proposed acoustic barrier would sit in the context of the surrounding area. However, this information remains outstanding despite the applicants being afforded sufficient time to provide this and the applicants conceded that they were not able to provide this information. For this reason, and on the basis that the additional information is needed to determine if the proposal as a whole is acceptable, it would not be appropriate to condition the submission of this detail.

In the absence of this information, the application has failed to definitively demonstrate through the submission of appropriate evidence that the development would successfully mitigate against the identified harm caused by the proposed development.

For the above reasons it is considered that the proposal would be detrimental to the neighbouring amenity of the residential dwellings to the north by way of generating excessive and unacceptable noise levels which would therefore be contrary to the requirements of CS policies DM1 and G9 and paragraph 198 of the NPPF.

Design

In terms of design Policies DM1 and P3 of the Council's adopted Core Strategy require development proposals to adhere to high quality design and enhance the borough's identity and sense of place, by respecting context where it is positive and having regard to the scale, density, massing, height, layout, landscape, materials and access of surrounding buildings and areas in general.

In addition, paragraph 131 of the National Planning Policy Framework (NPPF) states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve.

Paragraph 135 of the NPPF goes on to state that planning policies and decisions should ensure that developments function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.

The proposed biofuel generator and associated infrastructure housing and biofuel tank is to be sited in the south east corner of the site as demonstrated on the submitted proposed plans and elevations drawing referenced P101 Rev 1.1. All EV charging points are to be located to serve all existing HGV parking spaces along the eastern and south eastern boundary. The massing of proposed biofuel generator and associated infrastructure is very small in the context of the wider site. The proposed biofuel infrastructure would purely occupy two HGV parking spaces meaning their appearance assimilates well with the existing environment. It was also considered within the submitted Noise Impact Assessment as part of the noise control measures

that it would be good practice to erect a small acoustic screen or fence to fully break the line of sight between the proposed generator and residential properties in the north.

Noise considerations are discussed earlier in this report - the proposed infrastructure would be enclosed by a smaller acoustic timber fence which would effectively screen the proposed generator. The proposed acoustic fencing is demonstrated in submitted drawing '*Proposed Acoustic Fence Elevations drawing number P104 Rev 1.1*'.

With regards to the design of the proposed acoustic fencing, this would measure 7m high and be constructed of timber with steel support columns that would only be located on the internal side of the fence facing in toward the application site. The proposed fencing in this industrial location is considered to be of acceptable design and it would be of a modern and contemporary appearance that would not harmfully impact upon the existing character and appearance of the area. Whilst the mitigation fencing would be located on the northern boundary of the application site and therefore closest to the residential receptors in the north, owing to the distance between the fence location, the railway and large belt of trees on both sides of the railway line, it is not considered that the fencing would detrimentally affect the outlook of those properties in the north.

The overall design of the proposed infrastructure and fencing is considered to be acceptable in the context of the existing built environment and use of the site and existing neighbouring land uses at this location which are of industrial use.

As such, it is considered that the proposals would accord with the requirements of Policies DM1 and P3 of the adopted Core Strategy and the National Planning Policy Framework and relevant policies in PfE.

Highways

Highways were consulted on this application and they raised no objection. Accordingly, the proposed development is acceptable and would comply with DM1 and T2 of the Core Strategy, PfE and NPPF.

Ecology / Trees

It is expected that development proposals will protect and include existing biodiversity and take opportunities to promote biodiversity and create new habitats using landscaping and building and construction features wherever possible. Core Strategy Policy G7 requires that no development should result in a net loss of biodiversity and geodiversity.

PfE Policy JP-G9 seeks to deliver a net enhancement of biodiversity resources through a collective of measures which are broadly aligned with the approach to BNG outlined within the Environment Act (2021), the NPPF and supporting guidance documents. The provisions of the Environment Act in respect of BNG are now a statutory requirement for planning applications and so the proposed development should achieve net gains for biodiversity via species enhancement as guided by the NPPF (paragraphs 187d and 192b) to achieve measurable net gain for biodiversity.

As part of the proposed development and to facilitate the construction of the proposed acoustic fencing, there is unavoidable conflict with a small group of trees on the north eastern boundary of the site. The development would not result in the removal of any trees on the north western boundary which runs parallel to the East Lancs Railway and residential dwellings on the other side of the railway. However, none of the trees proposed to be removed are considered to be aged or veteran and

they are of C quality as demonstrated in the submitted Arboricultural Assessment. They are also not considered to hold any amenity or landscape value to the wider surroundings of the site. No objections are raised by the Tree Officer, subject to conditions should the application be approved.

Appropriate tree protection measures are proposed for all other trees to be retained and the proposed development is considered to be acceptable.

RECOMMENDATION

REFUSE for the following reason:

1. The application has failed to definitively demonstrate through the submission of appropriate evidence that the development would successfully mitigate against the identified excessive noise levels caused by the development. For the above reasons the proposal would be detrimental to the neighbouring amenity of the residential dwellings to the north owing to the unacceptable noise levels generated by the development which would be contrary to the requirements of Core Strategy Policies DM1 and G9 and paragraph 198 of the NPPF.

Procedure Statement

The development does not 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.