

DELEGATED REPORT

Report by Dean Clapworthy	Date of report: 26/01/2024	Ref: 70251/FUL
Registration: 04/12/2023	LDfC: 28/12/2023	Expiry Date: 29/01/2024
Site Visit:	Site Notice: 07/12/2023	Press Date: N/A
Objections:	Con Area: N/A	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MIOT

Proposal: 2 no. Sprinkler tanks (10.85m diameter, 8.5m height) to include a small kiosk and pump room with GRP housing with associated pipework to connect the tanks and pump room

Location: Tetrosyl, Bridge Hall Lane, Bury, BL9 7NY

Description

The proposal relates to the Tetrosyl industrial site, a car care products manufacturer, located north of the River Roch and accessed via Bridge Hall Lane. The site falls within the Bridge Hall Lane Employment Generating Area to the east of the M66.

The proposal is for:

- 2 no. Sprinkler tanks (10.85m diameter, 8.5m height)
- A small kiosk and pump room with GRP housing with associated pipework. The kiosk would be 4m x 4m x 2.8m high and the pump room 7.3m x 7.9m x 3m high (constructed from glass reinforced plastic finished green)

The supporting letter confirms that there is a need to upgrade the sprinkler system at the manufacturing site as the present sprinkler cannot be upgraded to suit present needs.

Relevant Planning History

No relevant history.

Publicity

Advertised by site notice dated 07/12/2023.
No representation received.

Statutory/Non-Statutory Consultations

Environmental Health - Contaminated Land: No objection, subject to contaminated land conditions.

United Utilities (Water and waste): No comments received.

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

Unitary Development Plan and Policies

EC2	Existing Industrial Areas and Premises
EC2/1	Employment Generating Areas
EC3/1	Measures to Improve Industrial Areas
EN1/2	Townscape and Built Design
EN7	Pollution Control

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) and the adopted Bury Unitary Development Plan (UDP) together with other relevant material planning considerations, including relevant policies in the emerging Places for Everyone Joint Development Plan.

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 Policy 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.

ASSESSMENT

Principle

The site is an extensive manufacturing facility located within an Employment Generating Area. The proposed sprinkler system is necessary to maintain site safety.

Other considerations are assessed below.

Residential amenity

The nearest residential properties are on Timberhurst, over 100m to the west of the site. There are intervening mature trees, other buildings and external storage yard areas associated with the manufacturing business closer to nearest dwellings.

The proposed development would not have any unacceptable impacts upon residential amenity.

Visual amenity

The context of the site is industrial in character and appearance and nearest buildings are large scale and equally as tall as those proposed. The proposal would assimilate appropriately with the existing site and context and would not have any unacceptable impacts on the street scene.

Flood Risk

The nearby River Roch is subject to flood defence measures and the site falls within Flood Zone 1.

Ground Conditions

The submitted desk study and preliminary risk assessment recommends that an intrusive investigation is undertaken.

Conclusion

The above assessment finds that the development would not have any unacceptable impacts upon visual and residential amenity or groundwater, subject to conditions.

Given the above, the proposal would be compliant with the above stated UDP policies and the NPPF. Therefore, in accordance with the Section 38(6) of the Planning and Compulsory Purchase Act, the proposal merits approval.

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
Location Plan (Dwg No. 3425-04-FBC-XX-XX-DR-S-002-S2-01)
Proposed Block Plan (Dwg No. 3425-04-FBC-XX-XX-DR-S-001-S2-01)
Proposed South & East Elevations (Dwg No. 3425-04-FBC-XX-XX-DR-S-010-S2-01)
Proposed North & West Elevations (Dwg No. 3425-04-FBC-XX-XX-DR-S-011-S2-01)
South & West elevations (Dwg no: DR-S-010-S2-02)

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North & East elevations (Dwg no: DR-S-011-S2-02)

Kiosk floor plan & elevations (Dwg no: DR-S-013-S2-01)

Sheet 1 - sprinkler pump room pipework details (Dwg no: J11950/01)

Sheet 2 - Sprinkler pump room-tank bases builderswork & setting out details (Dwg no: J11950/02)

Proposed pump room & sprinkler tanks (Dwg no: DR-S-012-S2-01)

Sprinkler valve chamber (Dwg no: J11950/03)

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 listed.

- 3 No development shall commence unless and until:-
- A contaminated land Preliminary Risk Assessment report to assess the actual/potential contamination and/or ground gas/landfill gas risks at the site shall be submitted to, and approved in writing by, the Local Planning Authority;
 - Where actual/potential contamination and/or ground gas/landfill gas risks have been identified, detailed site investigation and suitable risk assessment shall be submitted to, and approved in writing by the Local Planning Authority;
 - Where remediation/protection measures is/are required, a detailed Remediation Strategy shall be submitted to, and approved in writing by, the Local Planning Authority.

Reason. The scheme does not provide full details of the actual contamination and subsequent remediation, which is required to secure the satisfactory development of the site in terms of human health, controlled waters, ground gas and the wider environment and pursuant to National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.

- 4 Following the provisions of Condition 3 of this planning permission, where remediation is required, the approved Remediation Strategy must be carried out to the satisfaction of the Local Planning Authority within agreed timescales; and A Site Verification Report detailing the actions taken and conclusions at each stage of the remediation works, including substantiating evidence, shall be submitted to and approved in writing by the Local Planning Authority prior to the development being brought into use.

Reason. To secure the satisfactory development of the site in terms of human health, controlled waters and the wider environment and pursuant to National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
DSC	26/01/2024		