

DELEGATED REPORT

Report by Jennie Townsend	Date of report: 15/02/2021	Ref: 66114/FUL
Registration: 23/10/2020	LDFC: 19/11/2020	Expiry Date: 18/12/2020
Site Visit: 10/11/2020	Site Notice: 10/11/2020	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: MIOT

Proposal: Erection of bale store building

Location: Unit 3, Irwell Works, Lower Woodhill Road, Bury, BL8 1AA

Description

The application relates to a site which currently operates as a waste management facility which is situated within an industrial setting.

The site is adjacent to the River Irwell which runs along the south and eastern boundary of the site. To the north and within the same site compound area are 2 large industrial units and to the west is the access road to the site which these industrial units and the application operation.

The waste management facility currently comprises of 2 units and there is an outdoor area which is used for the storage of bales as part of the operation.

The application proposes the erection of a bale store building to protect the stored bales from inclement weather, prior to being shipped off site.

The building would be located to the north of the 2 existing units, running parallel and adjacent to the River Irwell. The unit and would be 40m long, 10m wide and 6m high and finished in a galvanised steel exterior.

A 1.2m wide access strip would be provided along the rear of the building and it would be set 0.15m above ground level.

the site is within Flood Zone 2 and a Flood Risk Assessment has been submitted with the application.

Relevant Planning History

43512 - Building for storage of paper for recycling - Refuse Refused 02/12/2004
44031 - Building for storage of paper for recycling - Approve with Conditions 31/03/2005
46340 - Extension to garage - Approve with Conditions 06/07/2006

Publicity

Adjacent properties notified by letter on 30/10/20.
Site notice posted 10/11/20
No response received as a result of the publicity.

Statutory/Non-Statutory Consultations

Traffic Section - No objection subject to conditions

Borough Engineer - Drainage Section - No response received.

Environmental Health - Contaminated Land - No objection subject to condition

Environment Agency - No objection

United Utilities (Water and waste) - No response received.

Canal & River Trust - No comments to make

Greater Manchester Ecology Unit - No objection subject to conditions.

Environmental Health - Pollution Control - No response received.

Environmental Health - Commercial Section - No response received.

The Coal Authority - No objection.

Pre-start Conditions - Not relevant

Unitary Development Plan and Policies

NPPF	National Planning Policy Framework
EC1/3	Land Suitable for Business (B1)
EC6/1	New Business, Industrial and Commercial
EN1/2	Townscape and Built Design
EN6/4	Wildlife Links and Corridors
OL5/3	Riverside and Canalside Development in Urban Areas
RT4/3	Visitor Accommodation
HT6/2	Pedestrian/Vehicular Conflict

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. 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.

Principle - The application site falls within the Crostons Road area which is allocated as an opportunity site under UDP Policy EC1/3/3.

The site subject of this application is currently operated by Veolia Waste Management and the current proposal for the erection of a bale store building is associated with this existing use. It is therefore considered that the proposal would not conflict with UDP Policy EC1/3/3.

Notwithstanding the above the proposal should also comply with the provisions of UDP Policy EC6 in relation to new business, industrial and commercial development which has regard to scale, layout, access, parking, boundary treatment, impact on neighbours and safety.

These issues are considered below.

Flood Risk -The development site is however, located within Flood Zone 2. The Environment Agency have been consulted and initially raised an objection as the submitted FRA did not comply with the requirements for site-specific flood risk assessments, as set out in paragraphs 30 to 32 of the Flood Risk and Coastal Change section of the planning practice guidance. The FRA did not therefore adequately assess the development's flood risks. In particular, the FRA failed to clearly show that flood risk will not be increased elsewhere.

The EA advises that to overcome their objection, a revised FRA is required to be submitted.

A revised FRA was received on 26/1/21 and the EA have been re-notified. The building would have a water entry strategy and be of a flood resilient construction. There would also be a 1.2m wide access between the rear of the building and the site boundary to allow for visual inspections of the river bank. A revised plan also show that there would be a gap under the building to address the EA's requirements. The revised FRA concludes that due to the nature of the proposals and the design of the building, impact on flood risk is unlikely to be significant.

EA response to the revised FRA - The EA have confirmed the revised details have addressed the points they initially raised and remove their objection.

The EA advise that the development proceed in strict accordance with the revised FRA and the mitigation measures identified.

Siting and design - The proposed building would be located adjacent to the two existing large industrial units which are associated with the current business. The proposed build would be 40m long and run parallel to the south eastern boundary with the River Irwell. The development would be set within a contained site and not impact on the adjacent buildings and the industrial units to the north of the site.

The proposed unit would be separated from the commercial development on Chamberhall to the east by the River Irwell and would be more than 25m away.

The proposed store would have an open frontage on the north elevation which would face

into the site with galvanised steel elevations which would be similar to the externality of the 2 existing units. Within the setting of an existing commercial operation and industrial business, and other similar industrial buildings, the proposed design is considered to be appropriate and acceptable.

As such, it is considered that there would not be an impact on adjacent properties or built development and the siting and design would be acceptable.

Ecology

Summary

The proposed development is located on hard standing. The only likely ecological issues associated with this development is the proximity to the River Irwell.

Proximity to the River Irwell

Measures should be put in place to protect the River Irwell from negative impacts during and post construction from changes to surface water and if flooding occurred. In addition any new external lighting could impact on the river as a dark corridor for species such as bats and otter.

GMEU recommend conditions as follows -

During Construction

No development, site clearance, earth moving shall take place or material or machinery brought on site until a method statement to protect the River Irwell from accidental spillages, dust and debris has been submitted.

Post Construction

No development shall take place until it can be demonstrated that there will be no negative impacts on the ecological status/potential of the River Irwell resulting from the disposal surface water post-development and in the result of flooding of the site.

External lighting

Prior to development an external lighting impact plan shall be submitted to and approved in writing by the LPA. The strategy shall:

- show how and where external lighting will be installed and through appropriate lighting contour plans demonstrated clearly that no negative impact on the River Irwell will occur;
- Specify frequency and duration of use.

The applicant has stated that it is not certain that external lighting would be required to the existing site arrangement and therefore requests the condition be re-worded that should lighting be required details and plan be submitted for approval.

This is considered to be a reasonable approach.

Coal Authority

The Coal Authority records indicate that there are two coal mine shafts recorded within or within 20m of the site boundary and parts of the application site lie in areas of both recorded and likely historic unrecorded coal workings at shallow depth.

The Coal Authority's general approach in cases where development is proposed within the Development High Risk Area is to recommend that the applicant obtains coal mining information for the application site and submits a Coal Mining Risk Assessment to support the planning application.

However, when considering the nature of this particular development proposal in relation to coal mining legacy risks present on the site, the proposed bale store falls within the part of the site that is outside the DHRA. On this basis the Coal Authority do not consider that requiring a Coal Mining Risk Assessment would be proportionate to the scale and nature of

the development proposed in this particular case and do not object to this planning application.

However, the Coal Authority does recommend that, should planning permission be granted for this proposal an Informative Note be included to advise the applicant of any development works which may affect a coal mining features.

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 - Proposed site layout VES.DTO.BURYWTS_100_004; Proposed bale storage elevations VES.DTO.BURYWTS_100_003 Rev A received 26 February 2021 and Revised Flood Risk Assessment Final Report V1.1 January 2021 by Westwood, 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 Where during any works on site, unforeseen contamination is suspected or found, or contamination is caused, works on the site shall cease and the Local Planning Authority shall be notified immediately. The developer shall then produce a risk assessment and submit remediation proposals, if required, for approval to the Local Planning Authority. On approval of the remediation strategy, the development shall then be carried out in accordance with the approved details and process including any required timescales.
Reason. To secure the satisfactory development of the site in terms of human health and the wider environment and pursuant to National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.
- 4 No development shall commence unless and until a 'Construction Traffic Management Plan' (CTMP), has been submitted to and agreed in writing with the Local Planning Authority and shall confirm/provide the following:
 - Access point and route for construction traffic from the adopted highway via Crostons Road/Brandlesholme Road/westerly section of Woodhill Road to avoid the need for difficult manoeuvres at the Brandlesholme Road/Woodhill Road junction and use of the adjacent residential estate roads;
 - Hours of operation and number of vehicle movements;
 - A scheme of appropriate warning/construction traffic speed signage in the vicinity

- of the site and its access;
- Arrangements for the turning and manoeuvring of vehicles within the curtilage of the site, including any requisite phasing of the development to accommodate this and alternative temporary bale storage facilities clear of the turning and parking facilities to be retained/provided;
- Parking on site of operatives' and construction vehicles together with storage on site of construction materials, including any requisite phasing of the development to accommodate this;
- Measures to ensure that all mud and other loose materials are not carried on the wheels and chassis of any vehicles leaving the site and measures to minimise dust nuisance caused by the operations.

The approved plan shall be adhered to throughout the construction period and the measures shall be retained and facilities used for the intended purpose for the duration of the construction period. The areas identified shall not be used for any other purposes other than the turning/parking of vehicles and storage of construction materials.

Reason. Information not submitted at application stage. To mitigate the impact of the construction traffic generated by the proposed development on the adjacent residential streets, and ensure adequate off street car parking provision and materials storage arrangements for the duration of the construction period and that the adopted highways are kept free of deposited material from the ground works operations, in the interests of highway safety pursuant to Bury Unitary Development Plan Policies EN1/2 - Townscape and Built Design and HT6/2 - Pedestrian/Vehicular Conflict.

- 5 No development, site clearance, earth moving shall take place or material or machinery brought on site until a method statement to protect the River Irwell from accidental spillages, dust and debris has been submitted to and approved by the Local Planning Authority. All measures shall be implemented and maintained for the duration of the construction period in accordance with the approved details.
Reason. To ensure the safe and satisfactory development of the site pursuant to chapter 15 - Conserving and enhancing the natural environment.
- 6 No development shall commence unless and until details have been submitted to and approved by the Local Planning Authority to demonstrate that there will be no negative impacts on the ecological status/potential of the River Irwell resulting from the disposal surface water post-development and in the result of flooding of the site. The details, as approved, shall be implemented in full in accordance with a timetable which has first been approved by the Local Planning Authority.
Reason. To ensure the safe and satisfactory development of the site pursuant to the principles of chapter 15 - Conserving and enhancing the natural environment of the NPPF.
- 7 Prior to the installation of any additional lighting, an external lighting strategy and details shall be submitted to and approved by the Local Planning Authority. The plan shall:
- show how and where external lighting will be installed and through appropriate lighting contour plans demonstrated clearly that no negative impact on the River Irwell will occur;
 - Specify frequency and duration of use.
- All external lighting shall be installed in accordance with agreed specifications and locations set out in the strategy.
Reason. To ensure there will be no negative impact on the nearby watercourse and any protected species or ecological factors pursuant to Bury Unitary development Plan Policy EN6/3 - Features of Ecological Value and chapter 15 - Conserving and Enhancing the Natural Environment of the NPPF.

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- 8 The development hereby approved shall be carried out in accordance with the revised Flood Risk Assessment Final Report v1.1 dated January 2021 and the identified mitigation measures.

Reason. To ensure the safe and satisfactory development of the site and in accordance with chapter 14 - Meeting the challenge of climate change, flooding and coastal change of the NPPF.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JT	15/2/21	DM	16/02/21