

DELEGATED REPORT

Report by Jennie Townsend	Date of report: 16/01/2023	Ref: 68993/FUL
Registration: 16/11/2022	LDFC: 09/12/2022	Expiry Date: 17/01/2023
Site Visit: 25/11/2022	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area:	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MIOT

Proposal: Erection of ancillary plant equipment comprising of 2 no. storage tanks and fan array with concrete base

Location: Wallwork Heat Treatment Ltd, Land off Parker Street/Lord Street, Bury, BL9 0RE

Description

The application relates to an established engineering company, Wallwork Heat treatment. The site is located at their Parker Street site and comprises an industrial building and car park and servicing yard accessed from Hacking Street. The site is located just outside the main shopping areas of Bury Town Centre and within an area characterised by similar industrial and commercial businesses.

The company also has premises on Lord Street, opposite the application site and off Foundry Street approx 1 minute away.

The application seeks the installation of plant equipment for 2 no. storage tanks and an array fan set on a concrete base. The equipment would be located next to the north east elevation of the industrial building which fronts Parker Street within the servicing and car park area. The equipment would comprise:

- grey metal argon gas storage tank H3.35 x W3.27m x D2.36m enclosed within a security cage
- grey metal argon liquid storage tank H9.58 x W8.56m x D2.24m set on a concrete hardstanding
- cooling fan array H2.36 x W8.56m x D2.24m enclosed by railings

There would be a loss of 10 parking spaces.
There would be 7 new employees.

The plant equipment is required to increase the company's processing capabilities from their Parker Street premises.

Relevant Planning History

60314 - Formation of car park - 14/10/2016

Publicity

Letters sent on 18/11/22 to surrounding properties.
No responses received.

Statutory/Non-Statutory Consultations

Environment Agency - No objection

Health & Safety Executive - Standing advice - Not identified as a major hazard site, HSE does not need to be consulted.

Environmental Health - Pollution Control - No response received

Environmental Health - Contaminated Land - No objection

Borough Engineer - Drainage Section - No response received

Planning & Building Regs consultation Fire Protection Dept Bury Fire Station (Part B)

- No response received.

Pre-start Conditions - Not relevant agreed with pre-start conditions

Unitary Development Plan and Policies

NPPF	National Planning Policy Framework
EC2/2	Employment Land and Premises
EC6/1	New Business, Industrial and Commercial
EN1/2	Townscape and Built Design
HT2/4	Car Parking and New Development
HT6/2	Pedestrian/Vehicular Conflict
SPD11	Parking Standards in Bury
Area	Rochdale Road/Lord Street/York Street
BY10	

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.

Siting and appearance - The proposed plant equipment would be set against the north east elevation of the industrial building within the yard area which is used for servicing and parking. The siting of the equipment has been chosen as it is required to serve the heat treatment machinery which is located within the building.

The equipment would be viewed against the backdrop of the industrial building and would not project any higher than eaves level. As the equipment is in itself industrial in appearance and character, and set within a commercial and industrial part of Bury, it is considered the siting of the equipment would be acceptable.

The nearest dwellings on Heywood Street to the east would be more than 60m away and given the distance away and that the equipment would be sited close to the building it is considered there would not be a significant impact on residential amenity.

It is therefore considered the proposed development would be appropriately sited and not have a detrimental impact to the surrounding area and would comply with EC6/1 and EN1/2.

Parking and servicing - The siting of the equipment would result in the loss of 10 spaces for the Parker Street site (existing - 52, proposed - 42). The company state that there is a surplus of parking spaces at this site and at both the Lord Street and Foundry Street premises.

The company employ approx 100 people working over 4 shifts which would equate to approx 50 employees over the 3 sites at any one time.

As a result of the proposed development there would be 42 spaces provided at the Parker street site. There are circa 15 spaces at the Foundry site and surplus parking at the Lord Street site, both of which are located within 1 minute walk.

The site is located within a sustainable area and close to the town centre and public transport connections.

As such it is considered that there would not be a reliance to park on nearby streets and in this case the loss of parking would not cause a detrimental impact to highway safety from cars parking or carrying out manoeuvres on the highway.

In terms of servicing and deliveries, the siting of the proposed equipment would not obstruct access to the site.

It is therefore considered the proposed development would comply with EC6/1 and HT2/4.

Consultee responses

Health and Safety Executive (HSE) - The HSE advised the LAP to seek their response via their planning Advice WebApp. The advice concluded that the development site does not lie within the consultation distance of a major hazard site or major accident hazard pipeline. The HSE concluded they do not need to be consulted on development for this site.

The applicant states that these substances are not included in the COSHH Regulations

2002 or COMAH Regulations.

As such it is considered the storage of such substances in this location would be acceptable.

Environment Agency - No objection.

In terms of Flood Risk, Barn Brook flows in culvert beneath Parker Street and the north-eastern part of the application site. Barn Brook is a designated "main river" watercourse. The EA note that the proposed storage units to be sited in the yard area do not appear to be over the culvert or have any extensive foundation requirements.

Environmental permit

This development may require a permit under the Environmental Permitting (England and Wales) Regulations 2016 from the Environment Agency for any proposed works or structures, in, under, over or within eight metres of the culverted Barn Brook which, is designated a 'main river'. Some activities are also now excluded or exempt. A permit is separate to and in addition to any planning permission granted. Further details and guidance are available on the GOV.UK website.

Biodiversity

The EA recommend the developer incorporates a 10% biodiversity net gain as part of their development, this is in keeping with the 25 year environment plan as published by government (<https://www.gov.uk/government/publications/25-year-environment-plan>). This approach is supported by paragraphs 174 and 180 of the National Planning Policy Framework (NPPF) which recognise that the planning system should conserve and enhance the environment by minimising impacts on and providing net gains for biodiversity.

Groundwater

Materials and chemicals likely to cause pollution should be stored in appropriate containers and adhere to guidance for the storage of drums and intermediate bulk containers. Any facilities, above ground, for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. All filling points, vents, gauges, and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land, or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

Appropriate procedures, training and equipment should be provided for the site to adequately control and respond to any emergencies including the clean-up of spillages, to prevent environmental pollution from the site operations.

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:

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- 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 WHT TRI ZZ 00 DR A 3000 P01; proposed site plan, plans and elevations WHT TRI ZZ 00 DR A 3001 P04; mechanical design site layout 3094 001 1 of 1; mechanical design air supply area 3094 002 1 of 1 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 The reconfigured parking area shown on the approved plans shall be made available prior to the first use of the plant equipment hereby approved and thereafter maintained.
Reason. To ensure adequate levels are parking are maintained on site pursuant to Bury Unitary Development Plan policies EC6/1 - Assessing new Business, Industrial and Commercial Development and HT2/4 - Car Parking and New Development.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JT	16/1/23	DM	16/01/2023