

Application Number	Date of Appln	Committee Date	Ward
091440/FO/2009/S2	12 th Nov 2009	11 th Feb 2010	Northenden Ward

Proposal Installation of 14 metre air ventilation stack to roof

Location Vita Liquid Polymers Ltd, Harling Road, Wythenshawe, Manchester, M22 4SZ,

Applicant Vita Liquid Polymers Ltd, Harling Road, Wythenshawe, Manchester, M22 4SZ

Description

This application was placed before the Wythenshawe Area Committee on 28th January 2010. At that meeting the committee was minded to refuse the application on visual and residential amenity grounds.

Vita Liquid Polymers Ltd occupies a site in Sharston Industrial Estate approximately 0.42 hectares in size. The complex, consisting of a variety of single and two storey buildings is located off Harling Road and is used in the manufacture of a variety of plastic polymer based products. Commercial and industrial properties are located to the north and south of the site and also to the east on the opposite side of Harling Road. To the west of the site lies a cricket ground.

The applicants are proposing to erect a 14 metre (46 feet) high air ventilation stack towards the rear of the southernmost building on the site. The stack is to be transferred from the applicants Salford site following the transfer of its manufacturing processes to the Harling Road complex.

Consultations and Notifications

Local Residents – Five letters of objection have been received from local residents, the main points of which are outlined below:

- The applicant manufactures adhesives from hazardous and highly flammable chemicals. An increase in production at these premises following the closure of its Salford plant will lead to the threat to public health and safety being increased.
- This proposal contravenes the City Council's long standing policy of prohibiting hazardous processes on Sharston Industrial Estate.
- The dwellings to the north of the site, which are in the prevailing winds, will suffer as a result of the proposal.
- The erection of a new chimney stack and the closure of their Salford factory as stated in their Design Access statement confirms that the Northenden factory will be increasing its activity to accommodate the loss of output from the Salford factory. The proposal will result in more deliveries and more noise from extractor fans and loudspeaker systems and more fumes. The noise generated by the extractor fans is at times intolerable particularly at night when the constant whine interrupts sleep. Early morning deliveries from lorries

and the emptying of tanker hoppers have regularly woken local residents up before 7.00am, this is totally unacceptable in a residential area.

Northenden Civic Society – Object to the proposal on the grounds that the proposal would have a detrimental impact upon the residential amenity of local residents.

The society commented further that should the application be approved it would like to see that access and egress arrangements are away from Longley Lane.

Head of Environmental Health – Noise measurements have been taken of existing background noise without stack noise and of the noise from the stack itself, as well as the decibel levels of a range of frequencies. Because it is possible to calculate expected noise reduction over distance, the decibel levels at the nearest noise sensitive premises have been determined and they are below existing background levels at each frequency. On that basis it is not expected that there will be noise nuisance to neighbours, nor any increase of existing background noise levels arising from use of this plant. The proposal is considered to be satisfactory and no further noise reduction measures are indicated as being necessary given the information supplied.

Neighbourhood Services (Industrial Processes) – The process will require an environmental permit under the Environmental Protection (England & Wales) Regulations 2007 (EPR) and Manchester City Council will regulate the process if a permit is granted. A consultation response has been received from the Health Protection Agency (HPA), given on behalf of the local Health Care Trust and United Utilities and they have confirmed that they are content that the process is satisfactory providing all legislation and guidance is adhered to.

It is worth noting that Vita Liquids have been permitted in the past, but surrendered the permit two years ago when the solvent throughput fell below the permit requirement threshold. The 'activity' proposed, and indeed the actual plant, has been in operation at the Salford Vita Liquid installation under an EPR permit.

Issues

Unitary Development Plan (UDP) – Whilst there are no specific policies for this site, policy EW12 in Part 2 of the UDP is of relevance as it refers in general to the Sharston Industrial Estate. This policy states that the City Council will protect the role of the Sharston Industrial Estate as a centre for industrial activity and employment which is convenient and accessible to Wythenshawe people in particular. It continues further stating that there is scope for new business (Class B1) developments on the estate but the emphasis should remain as general industrial and distribution activities.

In addition to Policy EW12, consideration is also given to policy H2.2 in Part 1 of the UDP and Development Control Policy DC26, *Development and Noise*, in Part 2 of the UDP.

Policy H2.2 states that the Council will not normally allow development which will have an unacceptable impact on residential areas. The matters which the City

Council will consider in coming to such decisions will include the scale and appearance of the development and its impact in terms of noise, vibration, traffic generation, road safety and air pollution.

Development Control Policy DC26 states that the City Council intends to use the development control process to reduce the impact of noise on people living and working in, or visiting, the City. In giving effect to this intention, the City Council will consider, in this instance, the effect of new development proposals which are likely to be generators of noise.

The policy states further that where the City Council believes that a new proposal might generate potentially unacceptable levels of noise, it will require the applicant to provide an assessment of the likely impact and of the measures he proposes to deal satisfactorily with it. Such measures might include the following:

- engineering solutions, including reduction of noise at source, improving sound insulation of sensitive buildings or screening by purpose-built barriers;
- layout solutions, including consideration of the distance between the source of the noise and the buildings or land affected by it; and screening by natural barriers or other buildings or non-critical rooms within a building; and
- administrative steps, including limiting the operating times of the noise source, restricting activities allowed on the site or specifying an acceptable noise limit.

Any or all of these factors will be considered appropriate for inclusion in conditions on any planning permission.

Planning Policy Statement 23, *Planning and Pollution Control (PPS23)* – PPS23 states in paragraph 10 that planning and pollution control systems are separate but complementary. Pollution control is concerned with preventing pollution through the use of measures to prohibit or limit the release of substances to the environment from different sources to the lowest practicable level. It also ensures that ambient air and water quality meet standards that guard against impacts to the environment and human health. The planning system controls the development and use of land in the public interest. It plays an important role in determining the location of development which may give rise to pollution, either directly or from traffic generated, and in ensuring that other developments are, as far as possible, not affected by major existing, or potential sources of pollution. The planning system should focus on whether the development itself is an acceptable use of the land, and the impacts of those uses, rather than the control of processes or emissions themselves. Planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced. They should act to complement but not seek to duplicate it.

Wythenshawe Strategic Regeneration Framework (SRF) – Approved in December 2004, this document provides a strong vision for Wythenshawe over the next 10 - 15 years, guiding the improvement of public services for Wythenshawe residents, and shaping future investment.

The following key objective contained within the SRF is considered of relevance in this instance:

- Key Objective 5.6 - Make Wythenshawe the location of choice for investors and employers providing a portfolio of sites and premises to meet the needs of inward and indigenous employers, particularly those linked to Manchester Airport and including Sharston Industrial Estate.

Principle of the Proposal – The principle is considered acceptable though the proposal's impact upon existing levels of residential and visual amenity must be considered fully.

Visual Amenity – The proposed stack would be sited in an existing industrial estate approximately 130 to 180 metres (427 to 590 feet) away from the nearest dwellings and would be set back 75 metres (246 feet) from Harling Road. Given this, is it not considered that its siting in the location proposed would have a detrimental impact upon the levels of visual amenity enjoyed by those residents closest to the site or pedestrians using Harling Road.

Residential Amenity – The applicants have provided noise measurements from the proposed stack, which is currently located at their Salford factory, as well as background noise measurements at the proposal site. These results indicate that noise levels emitted from the proposed stack will be at least 5 decibels below the background noise levels measured at the nearest housing to the factory. The Head of Environmental Health has considered the submitted noise measurements and as stated above does not expect that there will be any noise nuisance to neighbours, nor any increase of existing background noise levels arising from use of this stack. Given this and the fact that it is envisaged that an EPR permit will be granted for the process associated with the stack, it is not considered that the erection of the stack will impact upon the existing levels of residential amenity enjoyed by the nearest residents to the site.

The concerns about the possible intensification of the premises are noted. However, as the premises themselves have all the relevant planning consents and this application is solely for the stack, it would not be possible to refuse consent for the erection of the stack on the grounds that the premises would get busier following its installation. Should local residents experience noise nuisance associated with the general running of the premises then any complaints received would be investigated by the Head of Environmental Health.

Human Rights Act 1998 considerations – This application needs to be considered against the provisions of the Human Rights Act 1998. Under Article 6, the applicants (and those third parties, including local residents, who have made representations) have the right to a fair hearing and to this end the Committee must give full consideration to their comments.

Protocol 1 Article 1, and Article 8 where appropriate, confer(s) a right of respect for a person's home, other land and business assets. In taking account of all material considerations, including Council policy as set out in the Unitary Development Plan, the Head of Planning has concluded that some rights conferred by these articles on

the applicant(s)/objector(s)/resident(s) and other occupiers and owners of nearby land that might be affected may be interfered with but that that interference is in accordance with the law and justified by being in the public interest and on the basis of the planning merits of the development proposal. He believes that any restriction on these rights posed by the approval of the application is proportionate to the wider benefits of approval and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

Recommendation

Wythenshawe Area Committee: REFUSE

Head of Planning: APPROVE on the basis that the proposal is in accordance with the City Council's Unitary Development Plan, in particular the following policies and there are no material considerations of sufficient weight to indicate otherwise:

Policy EW12 states that the City Council will protect the role of the Sharston Industrial Estate as a centre for industrial activity and employment which is convenient and accessible to Wythenshawe people in particular. The proposal complies with this policy.

Policy H2.2 states that the City Council will not normally allow development which will have an unacceptable impact on residential areas. It is not believed that the proposed development will have a detrimental impact in terms of noise, vibration, traffic generation, road safety and air pollution or through its scale and appearance.

Development Control Policy DC26 states that the City Council intends to use the development control process to reduce the impact of noise on people living and working in, or visiting, the City. It is not considered that the proposal will have a detrimental impact upon existing levels of residential amenity

Conditions

1) The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason - Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

2) The development hereby approved shall be carried out in accordance with the following drawings and documents unless otherwise agreed in writing by the City Council as Local Planning Authority: plans and supporting information received on 9th, 21st and 22nd October and 12th November 2009.

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policy H2.2 of the Manchester Unitary Development Plan.

3) No development that is hereby approved shall commence unless and until samples and specifications of all materials to be used on all external elevations of the

development have been submitted to and approved in writing by the City Council as local planning authority. The development shall be constructed only using the approved materials unless otherwise agreed in writing by the City Council as local planning authority.

Reason - To ensure that the appearance of the development is acceptable to the City Council as local planning authority in the interests of the visual amenity of the area within which the site is located, as specified in policy H2.2 of the Unitary Development Plan for the City of Manchester.

Local Government (Access to Information) Act 1985

The documents referred to in the course of this report are either contained in the file(s) relating to application ref: 091440/FO/2009/S2 held by planning or are City Council planning policies, the Unitary Development Plan for the City of Manchester, national planning guidance documents, or relevant decisions on other applications or appeals, copies of which are held by the Planning Division.

The following residents, businesses and other third parties in the area were consulted/notified on the application:

Northenden Civic Society
64 - 104 Longley Lane, Manchester, M22 4JF
101 - 129 Longley Lane, Manchester, M22 4HX
146 Royle Green Road, Manchester, M22 4LD
1-51 Penarth Road, Manchester, M22 4AG
2- 4 Cuerdon Walk, Manchester, M22 4HU
1-5 Roundwood Road, Manchester, M22 4AS

and the following businesses on Sharston Industrial Estate:

Longworth Ltd, Mona Safety Products Ltd, National Tyres & Autocare, Hire-equip (n W) Ltd, Royle Green Garage, Cousins Distribution Centre, Rufflette Ltd, Jaftextil Soft Furnishings, A S Motor Services, Wearlee Works, Sharston Books, Seaspray Sunbeds, Barnes Walker Ltd, Everglade Windows & Doors Ltd, Alan Mitchell (ingredients) Ltd, William Pinder & Sons Ltd, Bowers Semiconductors, Longley Lane Carpets, Airport Parking & Hotels (Manchester) Ltd,

Representations were received from the following third parties:

2 Cuerdon Walk, Northenden,
8 Elmfield Avenue, Northenden,
96 Longley Lane, Northenden,
98 Longley Lane, Northenden,
38 Morrell Road, Northenden,
Northenden Civic Society.

Relevant Contact Officer : David Lawless

Telephone number : 0161 234 4543

Email : d.lawless@manchester.gov.uk