

MC/23/0665

Date Received: 16 March 2023
Location: Wozair Ltd Grosvenor Road
Gillingham Business Park Gillingham
Proposal: Replacement of existing 2,000 litre nitrogen tank and installation of
10,000 litre nitrogen tank
Applicant Wozair Limited
Richard Harber
Agent Kent Planning Consultancy Ltd
Ms Alice Beeken
The Workshop,
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North Street, Biddenden
Ashford
TN27 8BA
Ward: Watling Ward
Case Officer: Tom Stubbs
Contact Number: 01634 331700

Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 7th June 2023.

Recommendation - Approval with Conditions

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

Received 16 March 2023

4283-01 - Existing Location and Block Plan

Received 25 April 2023

4283-02 B - Proposed Elevations and Block Plan

Reason: For the avoidance of doubt and in the interests of proper planning.

For the reasons for this recommendation for approval please see Planning Appraisal Section and Conclusions at the end of this report.

Proposal

This application seeks planning permission for the Replacement of existing 2,000 litre nitrogen tank and installation of 10,000 litre nitrogen tank.

The existing 2,000 litre nitrogen tank measures 3m tall and 1.6m wide and is located close to the site boundary which is approx. 20m from neighbouring properties within Academy Drive. The proposed larger 10,000 litre nitrogen tank would measure approx. 7.4m tall and approx. 2m wide. The new tank is proposed to be located approx. 18m further into the site away from the site boundary.

Representations

The application has been advertised on site and by individual neighbour notification to the owners and occupiers of neighbouring properties. National Highways were also consulted.

Eight letters of representation from eight contributors have been received raising the following concerns:

- Noise concerns from proposed tank. Existing tank provides noise disturbance Monday mornings from releasing of pressure.
- Tank will be much larger than existing and more visual dominant.
- What safety measures are in place regarding the proposal for neighbours.
- Questioning the accuracy that the economic benefits of the storage are correct.
- Issues with the submitted documents including inaccuracies in the Planning Statement and existing plan.

National Highways have raised no objection.

Development Plan

The Development Plan for the area comprises the Medway Local Plan 2003 (the Local Plan). The policies referred to within this document and used in the processing of this application have been assessed against the National Planning Policy Framework 2021 (the NPPF) and are considered to conform.

Planning Appraisal

Principle

The application site is within Gillingham Business Park which is an allocated commercial site within Policy ED1 of the Local Plan. No change of use is proposed just the upgrading of equipment related to the business. Paragraph 81 of the NPPF encourages opportunities for businesses to invest, expand, and adapt and also encourages sustainable development. There is no objection in principle subject to the detailed planning matters set out in the assessment below.

Design

Paragraphs 126 and 130 of the NPPF emphasise the importance of good design and Policy BNE1 of the Local Plan states that development should be satisfactory in terms of scale and mass and should respect the visual amenity of the surrounding area.

The proposed replacement tank is much larger than the existing tank. There is the potential for the replacement tank to be visible from neighbouring properties through the existing deciduous planting screening as per the existing tank. However, the proposed tank has been set further away from the boundary and would be viewed against the backdrop of existing buildings and structures within the site and industrial area generally. As such it is not considered to be out of character in an industrial estate setting and with similar sized structures in the area.

Consequently, the application is considered to be in accordance with Policy BNE1 of the Local Plan and paragraphs 126 and 130 of the NPPF.

Amenity

Paragraph 130(f) of the NPPF asserts that achieving well-designed places should include creating a high standard of amenity for existing and future users. According to Local Plan Policy BNE2, all development should secure the amenities of its future occupants and protect those amenities enjoyed by neighbouring properties.

Although the tank would increase in size it has been moved further away from the site boundary and therefore would not have a detrimental impact with regards to outlook, privacy, sunlight or daylight.

Concerns have been raised regarding noise from the existing tank and the possible increase in noise. The applicant has indicated that the noise was the issue of a fault, and no noise venting should occur with the new plant. They have indicated however it has been moved further away from residents to limit the impact if it were to occur again.

Consequently, the proposal would not have any significantly detrimental impact on neighbouring amenity to warrant refusal and the application is in accordance with Policy BNE2 of the Local Plan and paragraph 130f of the NPPF.

Highways

The proposal would not result in any impact on the existing car park arrangement or road safety and no objections are raised under either Policy T1 of the Local Plan or paragraph 111 of the NPPF.

Other matters

The consultation responses have raised how the nitrogen would be safely stored. This would fall outside of the planning consideration and is controlled by COSHH regulations. (The Control of substances hazardous for health). The supporting information includes guidance of distances from boundaries (3m) and public highways (5m) for tanks of this size which the application is in compliance with.

With regard to questioning of the rational of the economic benefit to the company of the storage this falls outside of the consideration of the application.

Conclusions and Reasons for Approval

The proposal is considered acceptable in terms of principle, design, amenity and highway aspects and with regard to all other material planning considerations. The proposal accords with the provisions of Policies ED1, BNE1, BNE2 and T1 of the Medway Local Plan 2003 and the advice in paragraphs 11, 81, 111, 126 and 130 of the NPPF. Accordingly, the application is recommended for approval.

The application would normally be determined under delegated powers but is being referred for Committee determination due to the number of representations received expressing a view contrary to officer's recommendation of approval.

Background Papers

The relevant background papers relating to the individual applications comprise: the applications and all supporting documentation submitted therewith; and items identified in any Relevant History and Representations section within the report.

Any information referred to is available for inspection in the Planning Offices of Medway Council at Gun Wharf, Dock Road, Chatham ME4 4TR and here <http://publicaccess1.medway.gov.uk/online-applications/>