

DELEGATED REPORT

Report by Helen Leach	Date of report: 14/06/2022	Ref: 67569/FUL
Registration: 03/12/2021	LDfC: 11/01/2022	Expiry Date: 28/01/2022
Site Visit: 17/12/2021	Site Notice: 17/12/2021	Press Date: 09/12/2021
Objections: 0	Con Area: N/A	Adv Type: ARW
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MIMW

Proposal: Construction of standalone storage building

Location: Holcombe Moor Training Centre, Spen Leach Lane, Hawkshaw, Bury, BL8 4JJ

Description

The application site contains a Ministry of Defence training centre, which is located on Holcombe Moor and is in the Green Belt. The site is used as a training centre for cadets and contains a number of buildings on site. The buildings are constructed from a variety of materials including render, stone, and metal cladding. All of the buildings are accessed off a central access, with a car park and hardstanding to the north of the site.

The site is surrounded by open fields to all boundaries.

The proposed development involves the erection of a storage building on an area of hardstanding within the existing complex of buildings. The proposed building would act as a storage building and would be used for covered training during winter months. The proposed building would be constructed from profiled insulated grey cladding with an artificial stone plinth. Rooflights and solar panels would be provided on the roof. The proposed building would be accessed from the existing access.

Relevant Planning History

45173 - Cadet weekend training centre and County HQ at Holcombe Moor Training Camp, off Bolton Road, Hawkshaw. Raise no objection - 20 December 2005.

53015 - Relocation and construction of a single storey electricity sub-station within an MoD Training Centre at Holcombe Moor Training Centre, Spen Leach Lane, Hawkshaw. Approved with conditions - 4 October 2010.

57055 - Erection of indoor miniature rifle range at Holcombe Moor Training Centre, Spen Leach Lane, Hawkshaw. Approved with conditions - 3 March 2014.

Publicity

A press notice was published in the Bury Times on 9 December 2021 and site notices were posted on 17 December 2021.
There has been no response.

Statutory/Non-Statutory Consultations

Public Rights of Way Officer - No objections.

Drainage Section - No response.

United Utilities - No objections

The Coal Authority - No objections, subject to the inclusion of an informative relating to coal mining.

Environmental Health - Contaminated Land - No objections.

Ministry of Defence - No objections

Pre-start Conditions - Not relevant.

Unitary Development Plan and Policies

OL1	Green Belt
OL7/2	West Pennine Moors
EN8/2	Woodland and Tree Planting
EN9/1	Special Landscape Areas
OL1/5	Mineral Extraction and Other Dev in the Green Belt
OL1/2	New Buildings in the Green Belt
EN6	Conservation of the Natural Environment
EN5	Flood Protection and Defence
EN9	Landscape

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 (Green Belt) - The application site is located within the Green Belt.

Paragraphs 147 and 148 of the NPPF states that inappropriate development in the Green Belt is by definition, harmful and should not be approved except in Very Special Circumstances (VSC). Planning authorities should ensure that substantial weight is given to any harm in the Green Belt. VSC will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Paragraph 149 of the NPPF regards the construction of new buildings in the Green Belt as inappropriate development. Exceptions to this are:

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) limited infilling in villages;
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
 - not have a greater impact on the openness of the Green Belt than the existing development; or
 - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

The proposed development would not meet the exceptions listed above and as such, the proposed development would be inappropriate development within the Green Belt.

Paragraph 147 of the NPPF states that inappropriate development in the Green Belt is by definition, harmful and should not be approved except in Very Special Circumstances (VSC). Paragraph 148 states that when considering any planning application, Local Planning Authorities should ensure that substantial weight is given to any harm to the Green Belt. 'VSC' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

The building would be constructed on the existing hardstanding and would be used for storage in connection with the operations of the Ministry of Defence (MoD).

A significant material consideration is that as the site forms Crown land, there are permitted development rights for development undertaken by the Crown or for national security purposes, which are set out under Part 19 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (known as the GPDO 2015). These permitted development rights would apply to the MoD.

In January 2021, an additional class (Class TA) was added to Part 19 of the GPDO as set out in the Town and Country Planning (General Permitted Development etc) (England) (Amendment) (No. 3) Order 2021, which allows the erection, extension or alteration on a closed defence site by or on behalf of the Crown of a) single living accommodation or b) a

non-residential building.

The proposed building would be used for non-residential purposes and would be over 15 metres from the perimeter of the closed defence site. The proposed building would not be visible from a highway and would be 7 metres in height, which is less than the 12 metres allowed. The proposed building would not be located in a Conservation Area, site of special scientific interest, near a listed building or a scheduled monument. The total floorspace for non-residential buildings on site currently is 2429.6 square metres. The floorspace of the proposed building would be 315 square metres, which would be less than 35% of the floorspace of the existing non-residential buildings. As the proposed development would comply with Class TA and there is a fallback position in that the building could be erected under permitted. As such, this forms the case for VSC and the proposed development would be acceptable. Therefore, the proposed development would be in accordance with Policy OL1/2 of the Bury Unitary Development Plan and the NPPF.

Design and layout - The proposed building would be located on the existing hardstanding in the northern part of the site. The proposed building would be 5.2 metres to the eaves and 7 metres overall in height. The proposed building would be located between two existing buildings and would bridge the height difference between the existing buildings. As such, the proposed building would be appropriate in terms of height.

The proposed building would be functional in terms of design with a roller shutter and personnel doors on the front elevation and a single personnel door on the rear elevation. Additional light would be provided by rooflights. There is a mix of materials on the site, including render, timber cladding, stone and profiled metal cladding. The proposed building would be constructed from grey profiles insulated panels for the walls and roof, which would match some of the buildings on site. The proposed solar panels would be located on the roof and would not detract from the overall design.

Therefore, the proposed development would not be a prominent feature in the streetscene and would be in accordance with Policies EN1/2 and OL1/2 of the Bury Unitary Development Plan.

Access issues - The proposed development would be accessed via the existing access road, which has suitable levels of visibility. The proposed building would be used for storage and for indoor training during the winter months. As such, the proposed development would not lead to an intensification of the use of the existing access. There are Public Rights of Way around the site and on the lower part of Spen Leach Lane. The proposed development would not impact upon the Public Rights of Way network as it is sited away from any footpaths. Although the access to the camp is partially along a public footpath, it is the recognised access to the camp and is already used by vehicles. The Public Rights of Way Officer has no objections to the proposal. Therefore, the proposed development would not have an adverse impact upon highway safety and would be in accordance with Policies HT4 of the Bury Unitary Development Plan.

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 numbered C-0488-Site Plan, C-0488-01 B 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 The external finishing materials for the proposal hereby approved shall be as stated on the application form and approved plans.
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of the Bury Unitary Development Plan

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
HL - 14/06/2022			