

DELEGATED REPORT

Report by Tom Beirne	Date of report: 04/09/2023	Ref: 69909/FUL
Registration: 18/07/2023	LDFC: 31/08/2023	Expiry Date: 12/09/2023
Site Visit: 29/08/2023	Site Notice: 10/08/2023	Press Date: N/A
Objections:	Con Area:	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MIOT

Proposal: Installation of 1 no. electrical control building in association with wider permitted development works

Location: Bury Waste Water Treatment Works, Crossfield Street, Bury, BL9 9TF

Description

The application relates to a United Utilities water treatment works at Crossfield Street, situated to the east of the settlement at Blackford Bridge, approximately 2.8km south of Bury town centre. The site is accessed via Crossfield Street, which also serves a number of residential properties. The nearest properties are over 100m away to the east on Crossfield Street and to the north across the River Irwell. The water treatment works are situated within the Green Belt.

UU has a regulatory requirement to reduce the spill volume from the existing storm tanks at Bury Wastewater Treatment Works (WwTW) to achieve compliance with Water Framework Directive (WFD) standards. This will contribute towards an improvement of water quality in the River Irwell to 'good' status by September 2026.

In 2020, the water sector regulators invited water companies to make proposals to help deliver a 'green economic recovery'. The necessary works at Bury WwTW were included within this initiative and are part of United Utilities' broader strategic portfolio of interventions across the Greater Manchester area to improve water quality in the Manchester Ship Canal and the rivers which feed into this strategic water body. In order to reduce the spill volume from Bury WwTW into the River Irwell, it is proposed to increase the storage capacity of the existing storm water system in the form of 2 no. new storm tanks with associated pipework and equipment.

Whilst the new storm tanks and pipework are 'permitted development', planning permission is being sought for the proposed associated Electrical Control Building, which is required to operate the electrical equipment associated with the new infrastructure.

The proposed building will be 10m long x 4.08m wide x 2.9m high, and raised on a 1.2m high steel platform for flood protection. It will be constructed of Glass Reinforced Plastic (GRP) coloured green.

Relevant Planning History

None relevant.

Publicity

Site notice posted 10/08/2023. No objections received.

Statutory/Non-Statutory Consultations

N/A

Pre-start Conditions -N/A

Unitary Development Plan and Policies

EN1/2	Townscape and Built Design
EN1/11	Public Utility Infrastructure
EN1/3	Landscaping Provision
NPPF	National Planning Policy Framework
OL1/2	New Buildings in the Green Belt
SPD8	DC Policy Guidance Note 8 - New Buildings in the Green Belt

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.

Need - United Utilities has a regulatory requirement to reduce spill frequency from the existing Combined Sewer Overflows (CSO) to achieve compliance with Water Framework Directive (WFD) standards. This will contribute towards an improvement of water quality in the River Irwell to 'good' status by 31 December 2025. In 2020, the water sector regulators invited water companies to make proposals to help deliver a 'green economic recovery'.

CSO's act as a pressure relief valve to prevent flooding during storm conditions, when sewer capacity is exceeded by the amount of rainfall entering the system, by allowing excess flows to spill into the watercourse. In order to reduce spill frequency from the CSO into the River Irwell, it is therefore proposed to increase the storage capacity of storm water in the form of a new below ground detention tank and CSO chamber with associated pipework and equipment.

The proposed works have the objective of enhancing the water quality and therefore ecological potential of the River Irwell.

Visual amenity and Green Belt - The electrical control building would be situated within the existing water treatment works. The building would be sited on grassland within the core operational area of the WwTW. With reinstatement and replanting of surrounding land, there would be no significant impact on the general landscape and views into the site are restricted by screening from mature trees and woodland within and around the perimeter. Views into the works from the rear of the closest properties on Barlow Fold Close to the east are filtered by mature scrub woodland, as is the case for the closest properties to the north, over the River Irwell, at Halls Close and Gate Lane. The building would sit within the categories of appropriate development insofar as it is an engineering operation (which must be located where the infrastructure sits). Given the small scale of the proposed Electrical Control Building and the context in which it would be viewed (i.e. as part of the existing WwTW), there would be no significant impact on visual amenity or the openness of the Green Belt as a result of the proposed Electrical Control Building. As such the proposal is acceptable and complies with the NPPF and UDP Policies EN1/1 Visual Amenity, EN1/2 Townscape and Built Design and OL1/2 New Buildings in the Green Belt.

Ecology - No trees are to be felled and there would be a very limited loss of existing grassland. There is no evidence of protected species in the immediate vicinity. The proposed reinstatement and reseedling of surrounding land would enhance biodiversity and offset any loss as a result of the new installation. Complies with UDP Policy EN1/3 Landscape Provision.

Residential amenity - Given its siting within the water treatment works and its modest scale, the control building would be well screened and have no significant impact on the residential amenity of the nearest residential properties. Complies with UDP Policy EN1/2 Townscape and Built Design.

Highways - There are no significant traffic impacts from the siting of the control building within what is an existing water treatment works. Complies with UDP Policy HT2/4 Parking and New Development.

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:

- 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
80062960-02-UU-BURYZ-97-DR-C-00010P02, 11P03, 12P03, 13P03, 14P03, 15P03
80062960-02-UU-BURYZ-96-DR-L-00001RevP03
Supporting documents
80062960-02-JAC-BURYZ-SM-RP-C-00013 (Planning Statement)
80062960-02-UU-BURYZ-99-RP-I-00006 (Ecological Assessment Report)
0062960-02-UU-BURYZ-99-RP-I-00003 (Flood Risk Assessment)
SF249 (Project Traffic Management Plan)
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 landscape reinstatement scheme (00001RevP02) hereby approved shall be implemented to the satisfaction of the Local Planning Authority not later than 12 months from the date the building is completed.
Reason. To secure the satisfactory development of the site and in the interests of visual amenity pursuant to Policy EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan..

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
TB	4/9/23	DM	4/9/23