

**DELEGATED REPORT**

|                                 |                                   |                                |
|---------------------------------|-----------------------------------|--------------------------------|
| <b>Report by</b> Helen Leach    | <b>Date of report:</b> 18/11/2020 | <b>Ref:</b> 65996/FUL          |
| <b>Registration:</b> 24/09/2020 | <b>LDFC:</b> 27/10/2020           | <b>Expiry Date:</b> 19/11/2020 |
| <b>Site Visit:</b> 13/11/2020   | <b>Site Notice:</b> N/A           | <b>Press Date:</b> N/A         |
| <b>Objections:</b>              | <b>Con Area:</b> N/A              | <b>Adv Type:</b> PI            |
| <b>Reason for Delay:</b>        |                                   | <b>EIA:</b> NA                 |
| N/A                             |                                   | <b>Dec Level:</b> DEL          |
|                                 |                                   | <b>Stat Class:</b> MIOT        |

**Proposal:** Construction of motor control centre kiosk

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

**Description**

The proposal is in the midst of the extensive waste Water Treatment Works at Blackford Bridge. The site is entirely surrounded by plant and buildings serving the works.

The treatment works occupies low lying land within a meander of the River Irwell which skirts it on the west and north. There is residential development on higher ground to the rear along Manchester Road. The access road to the works is along Crossfield Street from Manchester Road. This is a residential cul-de-sac but with the entrance to the works at its head.

The proposed development forms part of a major programme of work to refurbish and upgrade assets across the North West region as agreed with the Environment Agency and the Office of Water Trading. These works are necessary to achieve a final effluent quality of 0.3 micro grams/litre ortho-phosphate on an annual average basis as well as to cater for the predicted population growth to 2035.

It is proposed to erect a steel clad kiosk as part of the works to ensure the treatment plant can treat phosphorus as required by the Environment Agency. The proposed building would measure 7.7 metres by 3.26 metres and would be 2.8 metres in height. The proposed container would be raised on a mezzanine steel platform measuring 1.2 metres in height. Access will be via a staircase and handrail in galvanised steel.

The building would be set in the midst of existing tanks, other buildings and various items of plant. It would be relatively small within the context of the complex and distant from the nearest residential properties (180m) and, in fact, very difficult to identify amongst the installations from any part of the edge of the works.

There are other works that will be taking place, but these are permitted development under Part 13, Class B of the Town and Country Planning (General Permitted Development) Order 2015.

**Relevant Planning History**

47131 - Construction of two control kiosks in association with wastewater improvements at Bury Waste Water Treatment Works, Crossfield Street, Bury. Approved with conditions - 04/12/2006

49191 - Sludge screening building at Bury Waste Water Treatment Works, Crossfield Street, Bury. Approved with conditions - 18/01/2008

55336 - Siting of temporary steel storage container for a period of 5 years at Bury Waste Water Treatment Works, Crossfield Street, Bury. Approved with conditions - 07/08/2012

**Publicity**

Site notices were posted on 5 October 2020.  
There has been no response.

**Statutory/Non-Statutory Consultations**

**Planning Policy Manager** - No response;.

**GM Ecology Unit** - No objections.

**Environment Agency** - No response.

**Pre-start Conditions** - Not relevant.

**Unitary Development Plan and Policies**

|        |                                                            |
|--------|------------------------------------------------------------|
| EC2/2  | Employment Land and Premises                               |
| EN1/2  | Townscape and Built Design                                 |
| EN1/11 | Public Utility Infrastructure                              |
| EN5/1  | New Development and Flood Risk                             |
| EN7    | Pollution Control                                          |
| EN7/3  | Water Pollution                                            |
| EN7/4  | Groundwater Protection                                     |
| EN7/5  | Waste Water Management                                     |
| OL1/2  | New Buildings in the Green Belt                            |
| OL1/5  | Mineral Extraction and Other Development in the Green Belt |
| OL5/2  | Development in River Valleys                               |
| HT2/4  | Car Parking and New Development                            |
| NPPF   | National Planning Policy Framework                         |

**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 site is within an extensive complex of large items of plant and buildings within an area washed over by the Green Belt and within a designated River Valley. It would be located close to the existing plant and buildings and would be an essential facility that would do no harm whatsoever to the openness of the Green Belt and River Valley. Thus, there would be no conflict with policies OL1/2 and OL5/2 and the NPPF. Policy EN1/11 sets down a presumption in favour of developments involving operational facilities for public utility provision.

**Visual Amenity** - The functional design is similar to that of the surrounding plant and buildings and in terms of its scale it would be a relatively minor feature. The site would not be visible from the nearest highway and as such, the proposed development would not be a prominent feature within the streetscene. There would be no conflict with Policy EN1/2.

**Flood risk** - The proposed development would be located in flood zone 2. The proposed development would be for a new MCC kiosk, which is classed as a water compatible development and would be a minor development (less than 250 square metres of floodspace). The proposed development is an extension of an existing use and the proposal involves the raising of the building by 1.2 metres. As such, the proposed development would be acceptable and would not increase the flood risk elsewhere. Therefore, the proposed development would be in accordance with Policy EN5/2 of the Bury Unitary Development Plan

**Residential Amenity** - The building would be too small and given the distance from the nearest residential properties (180 metres), the proposed development would not have an adverse impact.

**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 numbered  
80061824-01-ADP-BURYZ-97-DR-T-10001 P02,  
80061824-01-ADP-BURYZ-97-DR-T-10002 P02,  
80061824-01-ADP-BURYZ-97-DR-T-10004 P02 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 proposed container shall be painted dark green within one month of being positioned on site.  
Reason: In the interests of visual amenity, pursuant with UDP Policy EN1/2 Visual Amenity.

| <u>Case Officer</u> | <u>Date</u> | <u>Sign off Officer</u> | <u>Date</u> |
|---------------------|-------------|-------------------------|-------------|
| HL - 18/11/2020     |             | DM                      | 19/11/2020  |