

DELEGATED REPORT

Report by Dean Clapworthy	Date of report: 24/10/2022	Ref: 68824/FUL
Registration: 24/08/2022	LDfC: 11/10/2022	Expiry Date: 19/10/2022
Site Visit:	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: PI
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MIOT

Proposal: Construction of Chemical Dosing Building including associated hard standing and Security Fencing

Location: Woodgate Hill Water Treatment Work, Sixth Avenue, Bury, BL9 7RP

Description

The proposal relates to a site within the Woodgate Hill Water Treatment Works (WTW), an established operational site north of Fairfield. The site is presently formed by a hardstanding positioned to the south-west of the main access track from Sixth Avenue. The land around the site falls gently from east to west and is moorland in character and appearance. It is located in the Greater Manchester Green Belt and a Special Landscape Area.

The proposal is for the erection of a Chemical Dosing Building including associated hard standing and Security Fencing. The building would have a ridged roof with a maximum height of 6.5m and a footprint of 13m x 10.5m. It would be finished in green coloured metal cladding. Landscaping (woodland mix) is proposed around south and west of the building.

The proposed development is required to enhance the resilience of clean water supplies to customers in the North West.

Relevant Planning History

61470 - Erection of 6 no. kiosks, landscaping and associated works - Approve with Conditions 17/07/2017

Publicity

Advertised by direct notification and site notice. No representations received.

Statutory/Non-Statutory Consultations

Traffic Section: No comments received.

Borough Engineer - Drainage Section: No comments received.

Environmental Health - Contaminated Land: No objection.

Environmental Health - Pollution Control: No objection.

United Utilities (Water and waste): No comment received.

Greater Manchester Ecology Unit: No objection, subject to condition relating to bird nesting birds, implementation of the recommendations of the Ecological Assessment and the landscaping.

Pre-start Conditions - Not relevant.

Unitary Development Plan and Policies

EN1/1	Visual Amenity
EN1/3	Landscaping Provision
EN1/2	Townscape and Built Design
OL1/2	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.

ASSESSMENT

Principle (Green Belt) and Visual impacts/impact upon openness

The assessment shall be split into above ground works and below ground works.

The application site is located in the Green Belt and as the proposal is for a new building, paragraphs 149 and 150 of the National Planning Policy Framework are relevant to the assessment. Bury UDP policy OL1/2 also pertains.

The proposal does not fall within any of the exceptions for new buildings in the Green Belt. Proposals for other development not falling into one of the above categories is inappropriate development and is, by definition, harmful to the Green Belt. Any development proposal considered to involve inappropriate development will only be permitted in very special circumstances.

Paragraph 147 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraph 148 of the NPPF states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' 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.

As set out in the supporting Planning, Design and Access Statement, the proposed development is needed to secure water assets and ensure a resilient supply of drinking water for customers in Greater Manchester and the surrounding region. The development cannot be located elsewhere as it is dependent on co-location with existing WTW infrastructure at Woodgate Hill (the entire Woodgate Hill WTW site falls within designated Green Belt).

The proposed building is akin in scale, form and materials to a typical contemporary utilitarian agricultural building. There is no option to position the building outside of the Green Belt designation and there is a technical and operational necessity for the building in relation to the provision of water and in relation to the proposed position within the site.

The proposed development is therefore specific and very special by its very nature. The building would not give propensity to urbanisation and have little relevance to unrestricted sprawl or the merging of neighbouring towns. Further, it would be akin to a relatively modest scale contemporary agricultural building and woodland landscaping adjacent to the outward facing elevations. As such it is considered that the proposal is compliant with OL5/1 and the NPPF on these points.

Design and appearance

As noted above, the proposed development would be of a functional design, akin to a typical modest scale agricultural building and would not be a prominent feature in the landscape, given that it would be positioned upon an existing hardstanding on a operational water utility site and proposed woodland mix landscaping would further soften its appearance.

Therefore, the proposed development would be in accordance with Policies EN1/2 and EN1/11 of the Bury Unitary Development Plan.

Residential amenity

The proposed building would be over 200 metres from residential properties and the

Environmental Health Officer has raised no objection. As such, given the distance involved, the proposed development would not have an adverse impact upon the amenity of the neighbouring properties in terms of loss of light or privacy.

Ecology

The GMEU does not object to the proposal subject to conditions.

CONCLUSION

Very special circumstances have been demonstrated and given the nature and scale of the proposal the development has also been assessed as not having any unacceptable impacts upon openness or visual and residential amenity.

Given the above, the propoosal would be compliant with the above stated UDP policies and the NPPF. Therefore, in accordance with the Section 38(6) of the Planning and Compulsory Purchase Act, the proposal merits approval.

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
Site Location Plan (Dwg no. 80062068-02-EW-WOODG-99-DR-C-10005 P03)
Site Block Plan (Dwg no. 80062068-02-EW-WOODG-99-DR-C-10006 P03)
Planning Drawing (Dwg no. 80062068-02-EW-WOODG-99-DR-C-10007 P01)
Landscape Planting Plan (Dwg no. 70088163-WSP-DR-LA-101 P03)
Proposed GA (Dwg no. 80062068-02-EW-WOODG-99-DR-C-10002 P01)
Proposed Elevations (Dwg no. 80062068-02-EW-WOODG-99-DR-C-10003 P01)
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, including boundary fencing, for the proposal hereby approved shall be as detailed within the approved application particulars.
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to policies EN1/1 and OL1/2 of the Bury Unitary Development Plan.
- 4 No works to trees or shrubs shall occur between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance.
Reason. In order to ensure that no harm is caused to a Protected Species pursuant to policies EN6 - Conservation of the Natural Environment and EN6/3 - Features of

Ecological Value of the Bury Unitary Development Plan and National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.

- 5 The development hereby approved shall be carried out in accordance with the recommendations and mitigation measures set out within the Ecological Assessment Report dated 08/06/2022 (ref. 7478.01.004) submitted with the application.
Reason. In order to ensure that no harm is caused to a Protected Species pursuant to policies EN6 - Conservation of the Natural Environment and EN6/3 - Features of Ecological Value of the Bury Unitary Development Plan and National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.
- 6 The landscaping scheme hereby approved shall be implemented in full accordance with approved Landscape Planting Plans (Dwg ref. 70088163-WSP-DR-LA-101P03 & 70088163-WSP-DR-LA-102 P03) not later than 12 months from the date the building is completed. Any trees or shrubs removed, dying or becoming severely damaged or becoming seriously diseased within 5 years of planting shall be replaced by trees or shrubs of a similar size and species to those originally required to be planted to the written satisfaction of the Local Planning Authority.
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>
DSC	24/10/2022		