

Agenda Item No. 3.1

**DERBYSHIRE COUNTY COUNCIL
REGULATORY – PLANNING COMMITTEE**

2 December 2019

Report of the Executive Director – Economy, Transport and Environment

- 1 PROPOSED EXTENSION TO HAYFIELD WASTE WATER TREATMENT WORKS, INCLUDING GROUND RE-PROFILING AND LANDSCAPING, IN ADDITION TO TWO NEW CONTROL KIOSKS WITHIN THE EXISTING BOUNDARY OF THE SITE, HAYFIELD WASTE WATER TREATMENT WORKS
APPLICANT: UNITED UTILITIES
CODE NO: CW1/0619/24**

1.1499.1

Introductory Summary This planning application seeks permission for the installation of equipment within the existing waste water treatment works (WWTWs) and within a proposed extension area adjacent north of the existing site. The proposed works form part of a larger development project where much of the works is permitted development. The proposed development is required in order that the WWTWs can meet modern water quality standards and meet the needs of a growing local population.

The application site is within Green Belt and the proposal is considered to be a departure from the High Peak Local Plan (HPLP). The site is also close to the boundary of the Peak District National Park (PDNP) area. The planning application is supported, however, with a statement which concludes that there are very special circumstances for justifying the proposed development within the Green Belt. The applicant has engaged with the Waste Planning Authority and has reconfigured the site layout, amended the colour finish of the proposed new equipment to a dark recessive colour and amended the landscaping scheme in order to provide the least visual impact. The applicant has also provided further survey work in respect of comments received from Derbyshire Wildlife Trust. I consider that there would be limited impacts on the landscape, amenity, the environment, the Green Belt and the setting of the PDNP. On that basis, I am satisfied that the application is acceptable and is recommended for approval, subject to the conditions as set out below.

- (1) Purpose of Report** To enable the Committee to determine the application.

(2) Information and Analysis

Site and Surroundings

The application site is located off a private access road which is accessed westwards from Swallow House Lane. The site is located between the settlements of Birch Vale and Hayfield and lies in the Sett Valley, adjacent north of the River Sett. It comprises two areas within the existing WWTWs (515.6 square metres (m²) and 273.1m²) and an area adjacent north-west of the existing site (5592.2m²). The total site area is 0.64 hectares (ha). The site of the proposed extension sits on an upwards slope on the north side of the River Sett Valley and is considerably higher (approximately 3 metres (m) to 4m) than the existing WWTWs adjacent south. The site is within open countryside and is within Green Belt. The PDNP area is 105m to the north of the site and bounds the north side of Swallow House Lane. The site is within the Dark Peak National Character Area (NCA). The existing WWTWs and the proposed extension are located within a predominantly agricultural setting. There is sporadic residential development to the north on Swallow House Lane, the nearest residence being 100m to the north. There are no Conservation Areas or Listed Buildings within or in the vicinity of the application site. The site falls in a Coal Authority Development Low Risk Area.

The Derbyshire County Council publication: The Landscape Character of Derbyshire, summarises the vicinity under the section entitled Dark Peak: Settled Valley Pastures Landscape Character Type as *“A settled, pastoral farming landscape on gently sloping lower valley sides, dissected by stream valleys. Dense watercourse trees, scattered boundary trees and tree groups around settlement contribute to a strongly wooded character”*. The site is also within a landscape of ‘secondary sensitivity’, as recorded in the Derbyshire County Council study (October 2010) to identify ‘Areas of Multiple Environmental Sensitivity’ (AMES). The surrounding landscape has some environmental sensitivity and value further reinforced by it being located within Green Belt.

The existing WWTWs is within an area of low probability of flooding (Flood Zone 1). Land adjacent south of the water treatment facility is within Flood Zones 2 and 3. The proposed extension to the north of the existing site is also in Flood Zone 1 and is at a significantly higher elevation than the existing site, approximately 3m-4 m.

The Proposal

The proposed development comprises an extension to the northern boundary of the existing WWTWs within which new equipment is proposed to be installed. The proposed development also includes works within the boundary of the existing site. Some proposed works within the existing treatment works boundary are permitted development. Delivery of this proposal would upgrade the existing outdated waste water treatment equipment and processes to

modern standards and targets and would contribute positively to the delivery of 'High' Water Framework Directive (WFD) status for the River Sett.

The existing WWTWs serves a population of 2,842 people. The year 2036 design horizon after the facility has been upgraded is 3,113 peoples.

Proposed Works within the Existing WWTWs Boundary

Requiring Planning Permission:

- Ferric sulphate dosing kiosk 11.3m long x 4.2m wide x 3.7m high (finish: BS4800 14C 39 Holly Green);
- Tertiary solids removal units (three of) 4m x 4m x 4m high (finish: BS4800 14C 39 Holly Green);
- Motor Control Centre Kiosk 8.3m long x 5.4m wide x 4m high (finish: BS4800 14C 39 Holly Green).

Proposed Works within the Proposed Extension to the Existing WWTWs

Requiring planning permission:

- Sodium bicarbonate dosing kiosk 12m long x 5m wide x 6m high (finish: BS4800 14C 39 Holly Green);
- Dirty water backwash balance tank 2.5m diameter x 4.7m high (finish: BS4800 14C 39 Holly Green);
- Inlet works 9.6m long x 1.5m wide x 3.1m high (finish: BS4800 14C 39 Holly Green);
- Access road 4m wide;
- Chain link fence 2.1m high (finish: RAL 6005 Moss Green);
- Gate 2.4m high (finish: RAL 6005 Moss Green);
- Groundworks and re-profiling (including landscaping).

A temporary construction compound with an area of 1,003m² is also proposed under Permitted Development (Part 4 Class A of the The Town and Country Planning (General Permitted Development) (England) Order 2015) adjacent east of the proposed extension to the existing waterworks site.

The application states that the delivery of this proposal would contribute significantly to the River Sett achieving 'High' WFD status. The present WWTWs do not meet this modern standard. The waste water treatment process would be significantly improved by the proposed development, enabling water quality targets to be achieved.

The planning application is supported by a statement of justification which recognises that whilst the proposed development can be considered to be inappropriate development in the Green Belt, the applicant has demonstrated that 'very special circumstances' exist to allow the development. This is considered in detail in the 'Planning Considerations' section below.

Consultations

Local Member

Councillor Atkins (New Mills) was requested to respond by 14 October 2019.

High Peak Borough Council (Planning)

High Peak Borough Council (Planning) responded on 29 July 2019 stating that it has no objections. The Borough Council further responded on 14 October 2019 as follows:

“The site is located within the Green Belt and outside of the built-up area boundary in the open countryside. The Peak National Park boundary lies some 180m to the north at its closest point.

As such, the application is subject to Local Plan Policies EQ3 and EQ4 and restrictive policies contained within Chapter 13 of the NPPF. Policy EQ3 refers to development proposals in the rural areas outside of development boundaries, whilst Policy EQ4 requires proposals in the Green Belt to be assessed in accordance with national policy.

The purpose of Policy EQ3 is to strictly control development in the rural areas in order to protect the landscapes intrinsic character and distinctiveness including the setting of the Peak National Park.

Paragraphs 143 and 144 clarifies that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances; very special circumstances not existing unless the potential harm to the Green Belt is clearly outweighed by any other considerations.

Paragraphs 145 and 146 set out a list of the types of development which are not inappropriate development (and thus acceptable in principle subject to all other material considerations). One such exception at paragraph 146 are ‘engineering operations’ provided that they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it (as per the five purposes set out at paragraph 134).

An initial review of the plans would suggest that contrary to the Planning Design and Access Statement, there would be harm to the openness of the Green Belt, by virtue of the introduction of a large section of hard standing in what is currently open land. As such, it would be our view that this application comprises inappropriate development in the Green Belt, and could only be supported should there be very special circumstances that outweigh the harm to the Green Belt by definition. The public benefits of securing the future sustainability of important infrastructure and the contribution of the development towards the delivery of a national programme would amount to

very special circumstances, thus making the proposed development acceptable in principle.

We would ask that full consideration is given to the key issues of Landscape and Visual Impacts including the Peak National Park (Policy EQ2); Impacts upon any Ecological Assets (Policy EQ5); The design of the proposed development and potential impacts upon public and residential amenity (Policy EQ6); and any potential impacts arising from contamination or other environmental health matter (Policy EQ10); in assessing the application and reaching a recommendation.”

High Peak Borough Council (Environmental Health Officer)

High Peak Borough Council (Environmental Health Officer (EHO)) was requested to respond by 14 October 2019.

Hayfield Parish Council

Hayfield Parish Council was requested to respond by 14 October 2019.

New Mills Parish Council

New Mills Parish Council was requested to respond by 14 October 2019.

Peak District National Park Planning Authority

Peak District National Park Planning Authority (PDNPA) was requested to respond by 14 October 2019.

Derbyshire Wildlife Trust

Derbyshire Wildlife Trust (DWT) responded on 12 August 2019 and had no objections, subject to a request for a pre-commencement condition on the need for a badger survey prior to site works and advice in respect of nesting birds.

The applicant subsequently provided a badger survey and DWT has confirmed that it is satisfied and that a pre-commencement condition is no longer required.

Natural England

Natural England was requested to respond by 14 October 2019.

Environment Agency

The Environment Agency (EA) responded on 3 July 2019 and has no comments to make.

Local Highway Authority

The County Council, as Highway Authority, responded on 3 July, 15 August, 10 and 11 October 2019 and raised no objections subject to a pre-commencement condition in respect of a construction management

plan/construction method statement being submitted. In response to the comments of the County Council, as Highway Authority, the applicant submitted additional information comprising construction methods, operation, maintenance, road signage and delivery protocols during all phases of development in an effort to negate the need for any pre-commencement planning conditions. The County Council, as Highway Authority, was re-consulted on this additional information and confirmed, on 11 October 2019, that it is satisfied with the submitted information and that a pre-commencement planning condition in respect of a construction management plan/construction method statement is not now required.

Lead Local Flood Authority

The County Council, as Lead Local Flood Authority (LLFA), responded on 19 July and 14 October 2019 and confirmed that the application site is within Flood Zone 1 and, being less than 1ha in size, does not require a Flood Risk Assessment. The LLFA also confirmed that there are no historic records of flooding within 100m of the site.

Publicity

The application has been advertised by site notices and a press advert in the Glossop Chronicle on 25 July 2019 with a request for observations by 15 August 2019. Three site notices were also hand delivered to neighbouring residences with a request for observations by 15 August 2019. No representations have been received.

Planning Considerations

Section 38(6) of the Planning and Compulsory Planning Act 2004 requires that planning applications must be determined in accordance with the provisions of the development plan unless other material considerations indicate otherwise. The development plan consists of the saved policies contained within the Derby and Derbyshire Waste Local Plan (2005) (DDWLP) (adopted 2005), and the adopted policies of the HPLP (2016). The application site is also within the boundary of the Hayfield Parish Neighbourhood Area which was designated on 9 September 2019. There is no Neighbourhood Development Plan in place as yet.

The National Planning Policy Framework (NPPF) (2019) and associated Planning Practice Guidance (PPG), together with the National Planning Policy for Waste (NPPW) (2014), are also material considerations.

Saved Policies of the Derby and Derbyshire Waste Local Plan

W1b: Need for the Development.

W3c: Other Development in Green Belts.

W4: Precautionary Principle.

W5: Identified Interests of Environmental Importance.

W6: Pollution and Related Nuisances.
W7: Landscape and Other Visual Impacts.
W9: Protection of Other Interests.

High Peak Local Plan Policies

Within the HPLP, the most relevant policies are:

EQ2: Landscape Character.
EQ3: Rural Development.
EQ4: Green Belt Development.
EQ5: Biodiversity.
EQ6: Design and Place Making.
EQ10: Pollution Control and Unstable Land.

National Planning Policy Framework

A revised NPPF was published in February 2019. The NPPF provides guidance on material considerations in the context of determining planning applications. It states that the purpose of the planning system is to help deliver sustainable development and adds that there should be a presumption in favour of sustainable development. The term sustainable development is not defined, but is said to have interrelated economic, social and environmental aspects. The economic aspect is to provide sufficient land for the right type of development, in the right place at the right time. The social role is to support strong and vibrant communities by providing for the needs of the community whilst fulfilling the environmental role of protecting and enhancing the natural, built and historic environment.

National Waste Management Plan for England

This guidance was published in 2013, however, the most relevant statements of Government waste policy on the issues raised by this proposal are contained within the NPPW.

National Planning Policy for Waste

The NPPW, published in October 2014, sets out the current detailed Government policies for the determination of planning applications for waste related developments. It reinforces established Government waste policy of driving the management of waste up the waste hierarchy whilst stating that local planning authorities need to ensure that there are sufficient opportunities to meet the identified needs of the area. Appendix B of the NPPW sets out the locational criteria for consideration of the likely impacts of a proposed development on the local environment and amenity.

The Need for the Development

The proposed development is required in order that the WWTWs can meet more stringent environmental controls, meet modern water quality targets and provide for the water treatment needs of a larger population in the future. Delivery of this proposal would contribute to the River Sett achieving 'High'

WFD status. The need for the proposed development is clear and, as such, accords with DDWLP Policy W1b: Need for the Development where the proposed development would help to cater for the needs of the local area.

Therefore, the need for and anticipated benefits from the proposal are considered to be well established. The acceptability of the scheme in the planning balance must be considered further against planning policy and the characteristics of the application in the following respects:

- Location of the development.
- Development in the Green Belt.
- Landscape.
- Highways.
- Ecology.
- Amenity Impacts.
- Drainage

Location of the Development

The application site is located within open countryside, within Green Belt land and is approximately 100m south of the boundary of the PDNP area. A water treatment works was established on the site of the present works in 1896 and outfalls to the River Sett. Part of the proposed development is within the existing boundary of the WWTWs. The proposed extension to the site, with associated development, is adjacent north of the existing curtilage, on a hillside. It is proposed to cut into the hillside to achieve site levels. With regard to the locational criteria in Appendix B of the NPPW, the most relevant criterion is that concerned with landscape, visual impacts and the need to protect designated areas of national importance, i.e. National Parks.

The applicant has indicated that the development including extension of the WWTWs is required to be installed in this locality given that there is insufficient space to install all of the proposed new equipment within the curtilage of the existing WWTWs and that the proposed new equipment needs to be connected to the existing equipment and apparatus at the WWTWs at the existing outfall point into the River Sett. The acceptability of the development in the Green Belt and upon the landscape is considered below.

Development in the Green Belt

Paragraph 143 of the NPPF is clear where it states that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances.

When considering any planning application, the NPPF advises, in Paragraph 144, that 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. DDWLP Policy W3c: Other Development in Green Belts seeks to prevent other forms of waste development except where it would provide small-scale, essential facilities for the maintenance or improvement of waste management facilities, would preserve the openness of the Green Belt and would not conflict with the purposes of including land within it. HPLP Policy EQ4: Green Belt Development seeks to protect the Green Belt and to maintain its openness and permanence. The policy also presumes against the granting of planning permission within the Green Belt unless it is in accordance with national planning policy.

Paragraphs 145-146 of the NPPF list exceptions to inappropriate development in the Green Belt provided they preserve the openness and do not conflict with the purposes of including land within it. The NPPF lists several types of buildings in Paragraph 145 which are exceptions to inappropriate development in the Green Belt, i.e. agricultural and forestry buildings, buildings associated with outdoor sport, recreation, cemeteries, allotments, replacement buildings, limited affordable housing, limited infilling, etc. The proposed kiosks are buildings and do not fall within the exceptions listed. Their justification for being constructed within the Green Belt is discussed below.

The NPPF lists certain other forms of development in Paragraph 146 that are considered to be not inappropriate in the Green Belt provided that the development preserves its openness and does not conflict with the purposes of including land within it, i.e. mineral extraction, engineering operations, certain local transport infrastructure, material changes to the use of land, re-use of buildings, etc. Those elements of the proposed development that are not kiosks are 'engineering operations' and thus may accord with Paragraph 146 of the NPPF.

The applicant has provided a statement as to the 'very special circumstances' which warrant this proposed development on Green Belt land. The statement provides reasoning for the location of the proposed development as follows:

- there is insufficient space to install all of the proposed new equipment within the curtilage of the existing WWTWs;
- the proposed new equipment needs to be connected to the existing equipment and apparatus at the water treatment works at the existing outfall point into the River Sett;
- there are no alternative locations outside of the Green Belt where the proposed works could be constructed.

The applicant has amended the proposals in response to comments from the waste planning authority and subsequently revised the fencing details to show the chain link fencing/gate to be finished in dark green (colour code BS4800

14 C 39 Holly Green). Similarly, the applicant has agreed to revise the finish of those proposed structures that were originally going to have a steel finish. The structures are now proposed to be finished in dark green (colour code BS4800 14 C 39 Holly Green). These amendments are welcomed and serve to lessen the impact on the openness of the Green Belt.

The requirement to connect to the existing water treatment infrastructure dictates the location, there being no alternative locations outside the Green Belt where such a proposed development could be constructed. I recognise that the proposed works are essential to achieve compliance with modern water quality standards and the needs of a growing local population. Whilst the application is a departure from the Local Plan (given that the development would be within designated Green Belt), I consider that the openness of the Green Belt would be affected to some degree. However, the reasons for the location and form of the proposed development represent, in my view, very special circumstances. I consider that any harm to the Green Belt arising from the proposed development would be minor and not significant, and would be outweighed by the benefits.

As such, I consider that the proposed development accords with the requirements of the NPPF, DDWLP Policy W3c and Policy EQ4 of the HPLP.

Landscape

Paragraph 170 of the NPPF seeks to protect valued landscapes and, in Paragraph 172 requests that great weight is given to conserving and enhancing landscape beauty in National Parks. Policy W7: Landscape and Other Impacts of the DDWLP presumes in favour of waste development where the appearance of the development would respect the character and local distinctiveness of the area, would not materially harm the local landscape and would be located and designed to be no larger than necessary. This policy also seeks that the visual impact of the proposed development is minimised or the appearance of the landscape is improved.

HPLP Policy EQ2: Landscape Character seeks to protect, enhance and restore the landscape character of the HPLP area for its own intrinsic beauty and for its benefit to the economic, environmental and social well-being of the Plan Area. The second criterion of this policy requires that development proposals take into account the setting of the PDNP. Policy EQ3: Rural Development of the HPLP seeks to protect the character of the landscape and the distinctiveness, appearance and integrity of the historic and cultural environment and the setting of the PDNP by strictly controlling new development. Policy EQ6 Design and Place Making presumes in favour of development that is well designed and respects the character of the landscape. The second criterion of this policy is specifically concerned with the PDNP where the proposed development protects and enhances the setting and character of the National Park.

The applicant engaged with the Waste Planning Authority in revising the original planting scheme by incorporating more appropriate species of tree and hedgerow mix and altering the colour finish details of the proposed new equipment to a dark green colour code BS4800 14C 39 Holly Green and RAL 6005 Moss Green for the chain link fencing and the new gate instead of a galvanised or stainless steel finish. The applicant also reconfigured the original proposed layout to a scheme which proposed much of the new structures to be located within the existing waterworks site instead of within the proposed extension.

The PDNP boundary is 100m north of the application site, beginning at the northern edge of Swallow House Lane. The proposed extension to the existing WWTWs would cut into a steep hillside. However, with appropriate landscaping, planting and recessive colour finish, the development would be in keeping with the existing WWTWs. The existing WWTWs has been a feature in this part of the Sett Valley since the 19th century and the works have been located within Green Belt since it was designated. It is considered that the proposed extension and works to the waterworks are sympathetic, are no larger than necessary and would not significantly materially harm the local landscape. Appropriate use of landscaping and recessive colour finish serves to minimise the visual impact and protect and enhance the landscape character. I consider that the proposed development respects the setting and character of the nearby PDNP and serves to conserve and preserve its landscape.

As such, it is considered that the proposed development accords with NPPF guidance and the requirements of policies W3c and W7 of the DDWLP and HPLP policies EQ2, EQ3 and EQ6.

Highways

Paragraph 109 of the NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The development is unlikely to generate significantly more traffic than existing once construction is complete and most traffic is likely to occur at the construction phase of the development.

The applicant has submitted additional information during the processing of the application providing details of construction methods, operation, maintenance, road signage and delivery protocols during all phases of development. The County Council, as Highway Authority, was re-consulted on this additional information and has confirmed that it is satisfied with the submitted information.

The application is considered therefore to be in accordance with the NPPF with regard to highway considerations, as set out above.

Ecology

The NPPF seeks to avoid harm to biodiversity and, in Paragraph 175, advises local planning authorities, when determining planning applications, that if harm cannot be avoided, then adequate mitigation or compensation should be utilised. DDWLP Policy W5: Identified Interests of Environmental Importance requires waste development proposals which may affect interests of environmental importance to be assessed against the level of protection merited by the character and status of the interests and the likely impact upon the interests. The policy adds that waste development will only be permitted if the development would not materially harm the identified interest. HPLP Policy EQ5: Biodiversity states that the biodiversity of the High Peak Borough shall be conserved and where possible enhanced.

An ecological survey of the site has been submitted, which has confirmed the presence, or potential presence, of bats, badger, otter, breeding birds, and reptiles. Bats are not considered to pose a constraint to development and measures are proposed as precautionary standard advice in case bats are found. Evidence of badger activity has been found and precautionary measures are proposed. Suitable habitat for otters can be found further along the River Sett and an otter survey will be undertaken if proposed developments are likely to affect water quality. There are suitable habitats throughout the site for ground and tree-nesting birds. The measures include employing an ecologist to monitor the area prior to site clearance and the start of construction. Any active nests found would be provided with an exclusion zone. One potentially good area for reptiles has been identified and, if the proposed development impinges on this, appropriate surveys would be undertaken to ascertain species present and instigate mitigation measures.

The ecological survey has identified mature deciduous trees lining the private access road to the water treatment facility. The River Sett to the south is lined with predominantly mature alders. The site of the extension area is semi-improved, sheep-grazed grassland. There are no trees covered by Tree Preservation Orders within or in the vicinity of the application site.

An Arboricultural Scoping Assessment has been submitted which identifies the necessary removal of one dead tree (10m high, 300mm stem diameter) adjacent to the existing access to the site and two individual hawthorns (3m high and 150mm stem diameter) along the northern boundary of the site. The scoping assessment recommends that a mature sycamore tree and its Root Protection Area (RPA), located to the north-west of the existing access, is to be protected via a temporary protective barrier.

The applicant has had specific regard to initial comments from DWT over the protection of badgers and has submitted a badger survey. DWT has confirmed that it is satisfied with the survey which indicates that it is not anticipated that badgers would be adversely affected by the works. The compound would be located at least 20m from the badger sett closest to the works.

The proposed measures and procedures to be undertaken by the applicant in respect of protected species, nesting birds, reptiles and trees is welcomed. It is not considered that there would be material harm to the identified interests. I consider that the work undertaken in support of the planning application and mitigation put in place would conserve and enhance the biodiversity interests. I therefore consider that the proposed development accords with advice in the NPPF and the policy requirements of HPLP Policy EQ5 and DDWLP Policy W5.

Noise, Dust and Odour Impacts

Paragraph 180 of the NPPF states that planning decisions should ensure that new development is appropriate for its location, taking into account the likely effects of pollution and the cumulative effects of pollution on health, living conditions and the natural environment should be taken into account. Policy W4: Precautionary Principle of the DDWLP seeks to impose or make precautionary measures to prevent or minimise any damage/risk of damage where there is reasonable cause for concern that a proposed development presents a threat of serious or irreversible damage to the environment or to the enjoyment of land. DDWLP Policy W9: Protection of Other Interests presumes in favour of waste development if it would not impede or impinge upon the social or economic activities or interests of the community. HPLP Policy EQ10: Pollution Control and Unstable Land and DDWLP Policy W6: Pollution and Related Nuisances seek to protect the locality, communities and the environment from contamination, pollution or adverse environmental/ health effects.

The proposed development is necessary to upgrade the existing WWTWs to meet modern water quality standards and to meet the needs of a growing local population. It is not considered that the general amenity of the local population would be significantly affected in terms of noise, dust or odour impacts. The proposed development would further improve the end quality of what is a raw input material (sewerage), a potential pollutant. The treatment of the raw material has benefits for the local population, the environment and wildlife. The proposal is therefore considered to accord with national guidance contained within the NPPF and the requirements of policies W4, W6 and W9 of the DDWLP and HPLP Policy EQ10.

Drainage

Section 14 of the NPPF is concerned with effective drainage, flood risk management and maintenance of water quality.

The site is within Flood Risk Zone 1, the lowest probability category area, having a less than 1 in 1,000 annual probability of river or sea flooding.

A site drainage plan has been submitted with the application. The LLFA has not objected to the proposal and drainage plan submitted.

The site is not in a flood susceptible locality, and it has been demonstrated that the proposal can be effectively drained in accordance with Section 14 of the NPPF.

Conclusions

The proposed development comprises upgrade works and the installation of new equipment at the existing WWTWs and an extension to the existing works in order that modern water quality standards can be met and to accommodate the needs of a growing local population. The site is within Green Belt and in close proximity to the PDNP. The proposed new buildings (kiosks) would constitute inappropriate development when considered against NPPF criteria on development in Green Belts. However, I am satisfied that the applicant has demonstrated very special circumstances so as to excuse the location of the development in the Green Belt. I consider that any limited impact upon the openness of the Green Belt would not be significant, and would be outweighed by the benefits of this proposal. The applicant has worked with the Waste Planning Authority to amend the site configuration, landscaping details and colour finishes such that the proposed development would not impinge upon, nor cause detriment to local visual amenity and the appearance, setting and character of the Green Belt and the PDNP Area.

The application is therefore recommended for approval subject to the conditions (or conditions substantially similar to the effect of) listed below.

(3) **Financial Considerations** The correct fee of £1,638 has been submitted for this planning application.

(4) **Legal Considerations** This is an application submitted under Part III of the Town and Country Planning Act 1990, which falls to this Authority to determine as the Waste Planning Authority.

I do not consider that there would be any disproportionate impacts on anyone's human rights under the European Convention on Human Rights as a result of this permission being granted subject to the conditions referred to in the delegated decision.

Having regard to the Town and Country Planning (Consultation) (England) Direction 2009, whilst the proposal might be regarded as a departure from the development plan, with regard to HPLP Policy EQ4, it is not, in any event, considered to activate the requirement for the referral of applications to the

Secretary of State under paragraphs 4 (a) and 4 (b) of the Direction. The kiosk buildings are below the 1,000m² (or more) threshold (4 (a)) and it is not considered that the development by reason of its scale or nature or location, would have a significant impact upon the openness of the Green Belt (4 (b)).

(5) **Environmental and Health Considerations** As indicated in the report.

Other Considerations

In preparing this report the relevance of the following factors has been considered: prevention of crime and disorder, equality and diversity, human resources, property, social value and transport considerations.

(6) **Background Papers** File No 1.1499.1

Ecology Survey Report Version 2, NLG Ecology Ltd dated 24 February 2017.
Ash Tree Aerial Inspection Bat Survey Report, NLG Ecology Ltd dated 30 November 2017.

Technical Note Ecological Walkover, Mott MacDonald Bentley, ref. 368589JS62 dated 12 December 2018.

Technical Note Aboricultural Scoping Assessment, Mott MacDonald Bentley, ref. 368589/ARB/B, Revision B dated 8 May 2019.

Application documents received from United Utilities PLC dated 10 June 2019: 1APP form dated 10 June 2019.

Planning/Design and Access Statement dated September 2019.

Email from United Utilities PLC confirming Construction Traffic Management dated 11 October 2019.

Email from United Utilities PLC confirming finish to inlet works and tertiary solids removal units as colour code BS4800 14 C 39 (Holly Green) dated 17 October 2019.

Technical Note Pre-Construction Badger Check, Mott MacDonald, ref. 368589JS62 dated 18 October 2019.

Supplementary Justification Statement (Green Belt), United Utilities PLC (undated).

Site Location Plan ref. 80043004-01-MMB-HAYFI-97-DR-C-00005 Revision P03.

Existing Site Layout ref. 80043004-01-MMB-HAYFI-97-DR-C-00003 Revision P02.

Proposed Site Layout ref. 80043004-01-MMB-HAYFI-97-DR-C-00004 Revision P06.

Landscape Plan ref. 80043004-01-MMB-HAYFI-97-DR-C-00001 Revision P05.

Proposed Site Drainage ref. 80043004-01-MMB-HAYFI-97-DR-C-00013 Revision P05.

Sections ref. 80043004-01-MMB-HAYFI-97-DR-C-00015 Revision P05.

Ferric Sulphate Dosing Kiosk Details ref. 80043004-01-MMB-HAYFI-97-DR-C-00011 Revision P02.

Tertiary Solids Removal Units Details ref. 80043004-01-MMB-HAYFI-97-DR-C-00010 Revision P02.

Sodium Bicarbonate Dosing Kiosk Details ref. 80043004-01-MMB-HAYFI-97-DR-C-00012 Revision P02.

Dirty Water Backwash Balance Tank Details ref. 80043004-01-MMB-HAYFI-97-DR-C-00008 Revision P04.

Inlet Works Details ref. 80043004-01-MMB-HAYFI-97-DR-00007 Revision P02.

Fencing and Gate Details ref. 80043004-01-MMB-HAYFI-97-DR-C-00014 Revision P04.

Environment Agency response dated 3 July 2019.

Internal County Highways Authority responses dated 7 July, 15 August, 10 and 11 October 2019.

Internal Ecologist response dated 9 July 2019.

Internal County Landscape Officer responses dated 9, 27 and 29 July and 30 September 2019.

Internal Lead Local Flood Authority response dated 19 July and 14 October 2019.

High Peak Borough Council (Planning) response dated 29 July and 14 October 2019.

Derbyshire Wildlife Trust responses dated 12 August 2019, 1 and 4 November 2019.

(7) **OFFICER'S RECOMMENDATION** That the Committee resolves that planning permission is **granted** subject to conditions (or conditions substantially similar to the effect of) listed below:

Commencement

- 1) The development shall be commenced within three years of the date of this decision notice.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990, as amended, and confirm the date of commencement.

- 2) Notice of the commencement of the development shall be provided to the County Planning Authority at least seven days prior to the start of works on site.

Reason: To enable the County Planning Authority to monitor the development in the interests of the amenity of the area.

Form of Development

- 3) The development shall take place in accordance with the details in the 1APP form dated 10 June 2019 and the following:

Planning/Design and Access Statement, dated September 2019;
Ecology Survey Report Version 2, NLG Ecology Ltd., dated 24 February 2017;
Technical Note Ecological Walkover, Mott MacDonald Bentley, ref. 368589JS62, dated 12 December 2018;
Technical Note Aboricultural Scoping Assessment, Mott MacDonald Bentley, ref. 368589/ARB/B, Revision B, dated 8 May 2019;
Technical Note Pre-Construction Badger Check, Mott MacDonald, ref. 368589JS62, dated 18 October 2019;
Ash Tree Aerial Inspection Bat Survey Report, NLG Ecology Ltd., dated 30 November 2017;
Supplementary Justification Statement (Green Belt), United Utilities PLC (undated);
Email from United Utilities PLC confirming Construction Traffic Management, dated 11 October 2019;
Email from United Utilities PLC confirming finish to inlet works and tertiary solids removal units as colour code BS4800 14 C 39 (Holly Green), dated 17 October 2019;
Site Location Plan ref. 80043004-01-MMB-HAYFI-97-DR-C-00005 Revision P03;
Existing Site Layout ref. 80043004-01-MMB-HAYFI-97-DR-C-00003 Revision P02;
Proposed Site Layout ref. 80043004-01-MMB-HAYFI-97-DR-C-00004 Revision P06;
Landscape Plan ref. 80043004-01-MMB-HAYFI-97-DR-C-00001 Revision P05;
Proposed Site Drainage ref. 80043004-01-MMB-HAYFI-97-DR-C-00013 Revision P05;
Sections ref. 80043004-01-MMB-HAYFI-97-DR-C-00015 Revision P05;
Ferric Sulphate Dosing Kiosk Details ref. 80043004-01-MMB-HAYFI-97-DR-C-00011 Revision P02;
Tertiary Solids Removal Units Details ref. 80043004-01-MMB-HAYFI-97-DR-C-00010 Revision P02;
Sodium Bicarbonate Dosing Kiosk Details ref. 80043004-01-MMB-HAYFI-97-DR-C-00012 Revision P02;
Dirty Water Backwash Balance Tank Details ref. 80043004-01-MMB-HAYFI-97-DR-C-00008 Revision P04;
Inlet Works Details ref. 80043004-01-MMB-HAYFI-97-DR-00007 Revision P02;
Fencing and Gate Details ref. 80043004-01-MMB-HAYFI-97-DR-C-00014 Revision P04.

Reason: To enable the County Planning Authority to monitor the development in the interests of the amenity of the area.

Hours of Operation

- 4) All earthmoving and engineering work on the development, including the movement and installation of plant/machinery, shall only be carried out between the hours of 0730 hours to 1830 hours Mondays to Fridays and 0830 hours to 1300 hours on Saturdays. Work shall not be carried out on Sundays and public or Bank Holidays.

Reason: In the interests of minimising the impact on the amenity of the area.

Landscaping Aftercare

- 5) Any trees or shrubs, which within a period of five years from planting die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species unless the Waste Planning Authority gives written consent to any variation.

Reason: To help assimilate the development into the landscape in the interests of the visual amenity of the area.

Nesting Birds

- 6) There shall be no vegetation clearance during March – September unless preceded by a survey for nesting birds. Any active nests affected by site works shall be protected with appropriate measures until young birds have fledged.

Reason: In the interests of the protection of nesting birds.

Statement of Compliance with Article 35 of the Town and Country (Development Management Procedure) (England) Order 2015

The Authority worked with the applicant in a positive and pro-active manner based on seeking solutions to problems arising in the processing of planning applications in full accordance with this Article.

Footnote

- 1) There are geometric limitations on sections of Swallow House Lane between the site and Glossop Road (the anticipated access route). Therefore, in the event that large/abnormal loads need to be delivered to (or removed from) the site, the applicant may wish to seek advice and discuss the need for Traffic Management with the Highway Authority's Traffic and Safety Team – telephone 01629 538686.

Mike Ashworth
Executive Director – Economy, Transport and Environment

