

DELEGATED REPORT

Report by Helen Pressley	Date of report: 27/09/2023	Ref: 69966/FUL
Registration: 04/08/2023	LDFC: 26/09/2023	Expiry Date: 29/09/2023
Site Visit: 05/09/2023	Site Notice: 05/09/2023	Press Date: 31/08/2023
Objections: 0	Con Area: N/A	Adv Type: ARW
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MIOT

Proposal: Extension of car park to provide 17 new parking spaces

Location: Bury Hospice, Rochdale Old Road, Bury, BL9 7RG

Description

The application relates to Bury Hospice. The site is accessed from Rochdale Old Road and Fourth Avenue. The site comprises of a 12 bedroom facility with associated ancillary spaces, outdoor amenity spaces and gardens and 2 car parks. Residential properties are located to the east, west and south of the site with open land and Green Belt located to the north.

The facility provides inpatient and outpatient care, as well as providing staff that commute from the site to provide care for patients in their own homes.

Planning permission is sought for an extension of car park to provide 17no. new parking spaces, including 2 no. disabled spaces and 2no. electric vehicle charging spaces. It is proposed that this car parking is utilised by patients already using the facility.

Relevant Planning History

41823 - Prior approval determination for demolition of residential dwelling - Approve 10/02/2004

52107 - New hospice providing 12 bed in-patient accommodation and out-patient facility including day hospice with out-patient clinics, administration offices, provision of 44 car parking spaces and service areas - Approve with conditions 15/03/2010

55039 - Non-material amendment following grant of planning permission 52107 for new hospice to include larger pond, changes to external elevations/openings, change of roof materials and condenser units to north elevation - Approve 15/05/2012

56094 - 1 no. internally illuminated fascia sign - Approve with condition 07/05/2013

Publicity

Neighbour letters 22/08/2023

Site Notice 05/09/2023

Press Notice 31/08/2023

No representations received.

Statutory/Non-Statutory Consultations

Traffic Section and Public Rights of Way Officer - do not wish to restrict the granting of planning permission

The Coal Authority - can confirm that the nature of development is listed as exempt from Version 7, January 2023 of the Coal Authority's Guidance for Local Planning Authorities.

Electricity North West Ltd - The development is shown to be adjacent to or affect Electricity North West's operational land or electricity distribution assets. Where the development is adjacent to operational land the applicant must ensure that the development does not encroach over either the land or any ancillary rights of access or cable easements. If planning permission is granted the applicant should verify such details by contacting Electricity North West, Land Rights & Consents, Frederick Road, Salford, Manchester M6 6QH.

Greater Manchester Ecology Unit - The developer's ecological consultant identified no significant ecological issues. Issues relating nesting birds, hedgehog, a bee orchid and biodiversity enhancement measures can be resolved via condition and or informative.

Drainage Section - No response

United Utilities (Water and waste) - No response

Environmental Health - Contaminated Land - Recommend contaminated land condition in relation to unforeseen contamination.

Pre-start Conditions - Agent has agreed with pre-start conditions

Unitary Development Plan and Policies

CF1/1	Location of New Community Facilities
CF4	Healthcare Facilities
EN1	Built Environment
EN1/2	Townscape and Built Design
EN6	Conservation of the Natural Environment
EN6/3	Features of Ecological Value
EN8/2	Woodland and Tree Planting
HT2/4	Car Parking and New Development
HT6/2	Pedestrian/Vehicular Conflict
RT3/3	Access to the Countryside
SPD11	Parking Standards in Bury

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 (Community Facilities)

UDP Policy CF1/1 - Location of New Community Facilities generally looks favourably on proposals for additional or improved community facilities where these do not conflict with amenity or the local environment and Policy CF4 - Healthcare facilities states that improvements to existing and proposals for new facilities will generally be considered favourable.

The proposals would not see the change of use of the site, but would introduce additional car parking to the small car park at the rear of the site accessed off Fourth Avenue. This would include 2 no. disabled spaces and 2no. electric charging spaces. The parking area to the south of the proposed site was allocated for 15 staff parking spaces and hearse delivery/collection point within the original planning application (52107) and is accessed via a controlled gate.

The cover letter submitted with the application confirms that the proposed parking provision is for patients already using the facilities available at Bury Hospice, allowing them to park correctly and safely on Site, without the need to park in areas that are unallocated car parking spaces on site, or on neighbouring residential streets. Additional car parking spaces are needed for patients who may be too unwell to travel to Site via alternative methods or transport, or vulnerable to other illness when undergoing chemotherapy (which therefore restricts their ability to mix with members of the public or use communal facilities or spaces).

It appears that the proposal would provide additional health care facilities for the benefit of the local community. It is therefore considered that the proposals would likely support the policy considerations for improvements to health care facilities, and small businesses and would therefore comply with UDP Policy CF1/1 and CF4.

Layout and Design

UDP Policies EN1/1 and EN1/2 seek to ensure that development proposals would not have a detrimental effect on the visual amenity and character of a particular area.

The proposed car parking extension would be entirely within the curtilage of the existing facility and would extend to the north of the existing car park utilising an area that is currently used as green space and paths. This area is screened from public views by existing boundary treatments and trees.

One individual tree, two hedgerows and part of a third hedgerow are proposed for removal to facilitate the Proposed Development, all of which are classified as of low arboricultural quality (category C). No objections are raised to the removal of these trees provided replacements are provided. Tree pruning to accommodate the proposed development are also detailed within the tree survey schedule submitted with the application, and are considered to be part of the ongoing maintenance of the trees and would not impact on the viability of the trees. A tree protection plan has been submitted that identifies construction exclusion zones, root protection areas, and tree protection fencing.

Existing amenity grassland along the northern border of the site will be made good, with new hedgerow planted, and the planting of a new tree in the south-eastern corner of the site to mitigate for the loss of the trees and green spaces.

It is considered that the proposal would not have a detrimental impact on the visual amenity and character of the locality and as such would comply with UDP Policies EN1/1 and EN1/2.

Amenity

UDP Policy EN1/2 seeks to ensure that proposals consider their relationship to the surrounding area.

The proposed car parking extension would be entirely within the curtilage of the existing facility and would extend to the north of the existing car park utilising the same entrance/exit as existing. This entrance is opposite the side/rear boundary of No. 13 Fourth Avenue. As this entrance is already used for vehicles it is considered that the proposal is acceptable.

The land to the north of the proposed car parking extension is not in residential use and as such no residential amenity issues are foreseen.

Highways and Access

UDP Policy EN1/2 - Townscape and Built Design requires the consideration of the design and appearance of access, parking and service provision. UDP Policy HT6/2 - Pedestrian/Vehicular Conflict that requires developments to reduce pedestrian/vehicular conflict.

The existing access from Fourth Avenue would be utilised to enter the extended car park. Entrance to this car park is via an electric gate, that is set off the adopted highway to prevent obstructing Fourth Avenue.

Vehicle tracking has been utilised to show that the proposed car parking layout can be used by MPVs, small vehicles, a fire tender and an ambulance.

The Traffic Section have been consulted as part of the planning application process and have raised no objections to the proposed car park. As such, it is considered that the proposal would comply with UDP Policy EN1/2 and HT6/2.

In terms of parking standards UDP Policy HT2/4 requires all applications for development to make adequate provision for their car parking and servicing requirements. Supplementary Planning Document 11 provides parking standards for developments.

There are no specific car parking standards for hospice care within SPD 11, however there are standards for care/nursing homes and hospitals. SPD 11 confirms that parking

standards for care and nursing homes will be considered on their own merits and the nature/location of the proposal. Given the identified need for allocated parking within the facility it is considered that the proposed parking is acceptable.

Electric vehicle charging points, and 2 no. disabled spaces are also shown on the proposed plans.

Ecology

Protected Species

A valid ecological report has been provided, which included eDNA surveys of ponds for great crested newts (gcn) in the locality. No evidence of any protected species was recorded and all either assessed as very unlikely to be present or in the case of gcn no evidence recorded. No further information or measures are required.

Nesting Birds

The development will result in the loss of hedge and ornamental shrubs, potential bird nesting habitat. All British birds nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife & Countryside Act 1981, as amended. A condition can be attached to any permission to restrict works to trees during the nesting season.

Hedgehog

The site was assessed as low risk for hedgehog a UK Biodiversity Priority Species. GMEU confirm that they would regard this risk as very low, with the site lacking significant cover for this species. GMEU consider that it would be unreasonable to request reasonable avoidance measures and that the risk can be covered by an informative.

Bee Orchid

Bee orchids are uncommon in Greater Manchester but not rare and nationally are on the increase according to the 2020 BSBI update. They are not listed under schedule 8 of the Wildlife & Countryside Act 1981 (as amended). It is not protected in England and Wales. GMEU are satisfied that the proposal to translocate a turf with the bee orchid is reasonable and proportionate to the ecological value of the plant. The details can be conditioned.

Contributing to and Enhancing the Natural Environment

Section 174 of the NPPF 2021 states that the planning policies and decisions should contribute to and enhance the natural and local environment. The development will result in the loss of a small area of amenity grassland, ornamental shrubs, one semi-mature tree and some young hedge lines. These will be replaced with hardstanding, replacement hedges, one replacement tree and some ornamental shrubs. Given the reduced percentage of vegetated habitats, there is a risk that the development would result in a net loss of biodiversity at the site level. GMEU are satisfied that the replacement hedge proposals are adequate and that wildlife issues, restricted to nesting birds can also be dealt with on the site.

The actual gross biodiversity unit value of the site is however very low, probably under 0.1 biodiversity units with the proposed landscaping even if of low value likely to reduce the loss to around 0.05BU. The key to achieving net gain will be the planting of an adequate number of native trees. Either one heavy standard likely to achieve medium size within 30 years. (defined as 30cm diameter at breast height) eg beech or silver birch or several smaller native trees.

GMEU are satisfied that given net gain is achievable that the details of the tree planting, hedge planting and bird box provision can be conditioned.

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 08240054-ACM-XXX-XX-DR-E-00001 P01, 08240054-ACM-XX-XX-DR-AR-00001 P02, 08240054-ACM-XX-XX-DR-CE-00001 P01, 08240054-ACM-XXX-XX-DR-LA-00001 P01, 08240054-ACM-XX-XX-DR-CE-00002 P01, 08240054-ACM-XX-XX-DR-AR-00002 P02, 08240054-ACM-XX-XX-DR-CE-00003 P01, 08240054-ACM-XX-XX-DR-CE-00005 P01, 08240054-ACM-XX-XX-DR-CE-00006 P01, 08240054-ACM-XX-XX-DR-CE-00007 P01, 08240054-ACM-XX-XX-DR-CE-00008 P01, 08240054-ACM-XX-XX-DR-CE-00009 P01, 500 C1, Arboricultural Impact Assessment, Ecological Appraisal Report 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 Where during any works on site, unforeseen contamination is suspected or found, or contamination is caused, works on the site shall cease and the Local Planning Authority shall be notified immediately. The developer shall then produce a risk assessment and submit remediation proposals, if required, for approval to the Local Planning Authority. On approval of the remediation strategy, the development shall then be carried out in accordance with the approved details and process including any required timescales.
Reason. To secure the satisfactory development of the site in terms of human health and the wider environment and pursuant to National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.
- 4 No works to trees, hedge 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 and written confirmation provided that no active bird nests are present which has been agreed in writing by the Local Planning Authority.
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 Prior to the commencement of works the small area of grassland containing the bee orchid shall be lifted and moved by hand into the undisturbed grassland surrounding pond 2.
Reason. In order to ensure that no harm is caused to the bee orchid population 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 A landscaping scheme shall be submitted to, and approved by the Local Planning

Authority prior to the commencement of the development. The contents of the plan should include native tree, hedge and shrub planting and the provision of bird boxes.

The approved scheme shall thereafter be implemented not later than 12 months from the date the car park is first brought into use or within the first available tree planting season, and any trees or shrubs removed, dying or becoming severely damaged or becoming severely diseased within five years of planting shall be replaced by trees or shrubs of a similar size or species to those originally required to be planted.

Reason. To secure the satisfactory development of the site and in the interests of visual amenity pursuant to Policies EN1/2 - Townscape and Built Design and EN8/2 - Woodland and Tree Planting of the Bury Unitary Development Plan and chapter 15 - Conserving and enhancing the natural environment of the NPPF.

- 7 All trees to be retained on site shall be protected in accordance with BS 5837:2012 "Trees in relation to design, demolition and construction" and the submitted Arboricultural Impact Assessment project number 08240054. The development shall not commence unless and until the measures required by the British Standard are implemented and all measures required shall remain in situ until the development has been completed.

Reason. To avoid the loss of trees which are of amenity value to the area pursuant to Policy EN1/2 - Townscape and Built Design and EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan.

- 8 Prior to occupation the applicant shall provide electric vehicle (EV) charging points for 20% of the proposed parking spaces. EV chargepoints shall be 7kW* as a minimum.

*Mode 3, 7kW (32A) single phase, or 22kW (32A) three phase, and for 50kW Mode 4 rapid charging may be required. British Standard BS EN 61851-1:2019 to be used. Further information regarding minimum standards can be found at <https://www.gov.uk/transport/low-emission-and-electric-vehicles>.

Reason. In accordance with the NPPF, to encourage the uptake of ultra-low emission vehicles and ensure the development is sustainable. To safeguard residential amenity, public health and quality of life.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
HP 27/09/2023			