

DELEGATED REPORT

Report by Helen Pressley	Date of report: 13/06/2025	Ref: 71911/FUL
Registration: 06/05/2025	LDfC: 12/06/2025	Expiry Date: 01/07/2025
Site Visit: 13/06/2025	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MIOT

Proposal: Variation of condition no. 2 following approval of planning permission 69966 - Change from permeable block to permeable macadam for the car park

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 has been granted 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.

This application seeks to vary condition no. 2 (approved plans) following approval of planning permission 69966 to change from permeable block to permeable macadam for the car park.

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

69966 - Extension of car park to provide 17 new parking spaces - Approve with Conditions 27/09/2023

Publicity

Neighbour letters sent 21/05/2025.

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.

Pre-start Conditions - Not relevant

Development Plan and Policies

CF1/1	Location of New Community Facilities
EN1/2	Townscape and Built Design
EN6/3	Features of Ecological Value
EN8/2	Woodland and Tree Planting
HT2/4	Car Parking and New Development
RT3/3	Access to the Countryside
JP-P6	Health
JP-P1	Sustainable Places
JP-G8	A Net Enhancement of Biodiversity and Geodiversity
JP-C5	Streets For All
JP-C6	Walking and Cycling
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), the adopted Places for Everyone Joint Development Plan Document (PfE) and the saved policies within 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 and PfE Policies 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)

The proposed amendments to the materials for the proposed car park would not alter the principle of development assessed under application 69996.

Design and Layout

Policy EN1/2 seeks to ensure that development proposals would not have a detrimental effect on the visual amenity and character of a particular area. Policy EN1/8 further seeks to ensure that proposes for new and altered shop front properly respect the architectural elements of the building and the character of the surrounding street scene. PfE Policy JP-P1 seeks to create a city region that consists of a series of beautiful, healthy and varied places. High quality design is fundamental to achieving this.

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. The change in proposed materials for the car park extension would not have a detrimental impact on the character of the locality and as such would comply with the Policies set out above.

Highways and Access

Policy EN1/2 requires the consideration of the design and appearance of access, parking and service provision. Policies JP-C5 and JP-C6 require streets to be well designed and managed to make a significant positive contribution to the quality of place and support high levels of walking, cycling and public transport.

The proposed access, and number of spaces would be retained as approved under application 69996. No objections have been raised to the change in materials proposed.

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 27th September 2026.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.

- 2 This decision relates to drawings numbered 08240054-ACM-XX-XX-DR-CE-000001 Rev P03 and 2250021-SEL-BHCP-EX-DR-Y-001 received 6th May 2025 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 The proposal shall be carried out in accordance with the landscaping scheme approved under condition 6 of application 69966.
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.

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*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	13/06/2025		