

DELEGATED REPORT

Report by Jennie Townsend	Date of report: 06/10/2022	Ref: 68453/FUL
Registration: 06/07/2022	LDFC: 05/08/2022	Expiry Date: 05/10/2022
Site Visit: 22/07/2022	Site Notice: 22/07/2022	Press Date: 21/07/2022
Objections: 0	Con Area: N/A	Adv Type: MD
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MAOT

Proposal: Variation of conditions 2 and 3 following approval of planning permission ref. 66978
- Amendments to approved landscaping, lighting details and external finishing materials
Location: Site of Former Peel Health Centre, Market Street / Angouleme Way, Bury, BL9 0EQ

Description

The application relates to the site of the former Peel health Centre. The site is bounded by a Council owned car park to the south and is bounded by two main roads, Market Street to the west and Angouleme Way to the north. The site itself is vacant and formerly comprised of a doctors surgery that had been demolished.

Planning permission was granted for the construction of a new 4 storey building on the site, in association with Bury College to house their new STEM centre. It is proposed to deliver the building in two phases. Phase 1 orientated towards Market Street, with Phase 2 orientated towards Angouleme Way. It is proposed to construct the building from red/brown cladding.

This application seeks amendments to the approved landscaping, lighting details and external finishing materials.

The application has been submitted as a variation of condition to the originally approved application ref 66978.

The development is underway and pre-commencement conditions of the previously approval have been satisfied.

Relevant Planning History

66978 - Erection of Health Innovation & STEM Centre for Bury College - Approved 13/10/21

Publicity

Site notice posted 22/7/22
Press advert 21/7/22
No responses received

Statutory/Non-Statutory Consultations

Traffic Section - No response received.

Greater Manchester Ecology Unit - No objection

Environmental Health - Pollution Control - No response received

Greater Manchester Police - designforsecurity - No objection

Pre-start Conditions - Not relevant

Unitary Development Plan and Policies

CF1/1 Location of New Community Facilities

CF2	Education Land and Buildings
EN1/1	Visual Amenity
EN1/2	Townscape and Built Design
EN1/5	Crime Prevention
EN1/7	Throughroutes and Gateways
EN5/1	New Development and Flood Risk
EN6/3	Features of Ecological Value
EN7/3	Water Pollution
EN7/5	Waste Water Management
EN8/2	Woodland and Tree Planting
HT2/4	Car Parking and New Development
HT6/2	Pedestrian/Vehicular Conflict
SPD6	Supplementary Planning Document 6: Alterations & Extensions
SPD11	Parking Standards in Bury
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

The principle of the development for a new building in association with Bury College was assessed and considered acceptable by the grant of planning permission ref 66978.

The proposed variations to that application relate to materials, lighting and delivery of the landscaping scheme, discussed below.

Landscaping - The original approved landscape plan related to the development as a whole. A Landscape Design and Access Statement and Courtyard Redesign has been submitted with the application.

The variation presents an interim solution, given that the development is phased. In the interests of sustainability, the intention is to reuse plants and materials within the Campus when phase 2 is implemented.

GMEU have been consulted and have raised no objection to the proposed amendments which would be in line with the principles of the previously approved scheme.

The proposed amendments are therefore considered to be acceptable.

Materials - The proposal to amend the condition relating to materials are due to the change of supplier. The applicant has confirmed that the materials used in the development would be the same as that previously approved.

The use of proposed cladding in a red/brown colour would be a contemporary interpretation of the red brick used within the immediate street scene and was considered and accepted by the grant of planning permission ref 66978.

There would be no perceived changes to the appearance of the building comparative to the approved scheme.

As such, the proposed amendments would be acceptable.

Lighting - The proposed amendments to the lighting scheme would relate to the lighting proposed within the site. There would be no changes to the street lighting on the highway. Design for Security have been consulted and there are no concerns following the proposed amendments and therefore would have no objection to the variation of condition.

The proposed amendments would therefore be acceptable.

All other technical issues relating to the development of the site have been considered and addressed in the previously approved scheme.

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 This decision relates to drawings P 6946 L 00 03 02, P 6946 L(1-) 12 6, P 6946 L(1-) 12 7 (phasing), P 6946 L(1-) 13 6, P 6946 L(1-) 13 7 (phasing), P 6946 L(1-) 14 6, P 6946 L(1-) 14 7 (phasing), P 6946 L(1-) 15 6, P 6946 L(1-) 15 7 (phasing), P 6946 L(1-) 17 1, P 6946 L(1-) 17 2 (phasing), P 6946 L(2-)24 01, P 6946 L(2-)25 00, P 6946 L(2-)26 00, P 6946 SK36 01, BCS-ITR-00-XX-DR-L-0110 P01, BCS-ITR-00-XX-DR-L-0010 P01, BCS-ITR-00-XX-DR-L-0011 P01, BCS-ITR-00-XX-DR-L-0012 P01, BCS-WSL-ZZ-FN-DR-S-20001 T02 and BCS-WBS-ZZ-SS-DR-E-63102 P01; Landscape Design and Access Statement Section BCS-ITR-00-XX-RP-L-0002 P03 March 2022; Courtyard Redesign BCS-ITR-00-XX-RP-L-0010; BCS-WBS-ZZ-ZZ-DR-E-63101 P06 External lighting and power layout 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.
- 2 The external finishing materials for the proposal hereby approved shall be as follows:
Brick
Type: Brick Slip
Colour: Red (SR7)
Size: 235mm x 75mm

Cladding
Type: Eurobond Europanel f5 Extra 2400mm Wall Panels
Colour: Colorcoat Prisma "Oxide Red Textured"

Curtain wall framing and external Doors
Type: Curtain walling - SF52 Fully Capped Glazing System, Door - 190 aluminium welded door
Colour: Permacover Plus min film thickness 60 microns RAL 9007

Brise soleil fins
Type: ASL 400V Vertical Fins
Colour: Satin anodised aluminium "Natural 100A"
Size: 400mm x 50mm vertical fins

Only the approved materials/bricks shall be used for the construction of the development.
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to UDP Policy EN1/2 - Townscape and Built Design.
- 3 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 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.
- 4 The development hereby approved shall be carried out in accordance with the landscaping scheme previously approved under ref 66978 and amendments detailed in the submitted Courtyard Redesign BCS-ITR-00-XX-RP-L-0010 June 2022 and

Landscape Design and Access Statement Section BCS-ITR-00-XX-RP-L-0002 P03 March 2022 and shall include the provision of 2 bird boxes and native trees. The approved scheme shall be implemented not later than 12 months from the date the building is first occupied. 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. This condition can be satisfied in phases.

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.

- 5 Following the provisions of Condition 6 of planning permission ref 66978, the Remediation Strategy approved under ref 66978 shall be fully implemented in accordance with the strategy's recommendations.
A Site Verification Report detailing the actions taken and conclusions at each stage of the remediation works, including substantiating evidence and a Materials Management Plan shall be submitted to and approved in writing by the Local Planning Authority prior to the development being brought into use.

This condition can be satisfied in phases.

Reason. To secure the satisfactory development of the site in terms of human health, controlled waters and the wider environment and pursuant to National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.

- 6 The development hereby approved shall be carried out in accordance with the drainage scheme and details approved under planning application ref 66978. The approved scheme only shall be implemented prior to first occupation and thereafter maintained.

Reason. To promote sustainable development and reduce flood risk pursuant to Unitary Development Plan Policies EN5/1- New Development and Flood Risk , EN7/3 - Water Pollution and EN7/5 - Waste Water Management and chapter 14 - Meeting the challenge of climate change, flooding and coastal change of the NPPF.

- 7 Foul and surface water shall be drained on separate systems.

Reason. To secure proper drainage and to manage the risk of flooding and pollution pursuant to Unitary Development Plan Policies EN5/1- New Development and Flood Risk , EN7/3 - Water Pollution and EN7/5 - Waste Water Management and chapter 14 - Meeting the challenge of climate change, flooding and coastal change of the NPPF.

- 8 The application hereby approved shall be carried out in accordance with physical security specifications set out within the Security Needs Assessment received on the 13th May 2021 under planning permission ref 66978.

Reason. To reduce opportunities for crime pursuant to Unitary Development Plan Policy EN1/5 - Crime Prevention.

- 9 The development hereby approved shall be carried out in accordance with the approved documents and plans submitted for condition 12 for planning permission ref 66978 which address the following bullet points, subject to entering into a S278 Agreement with the Highway Authority -

- Reconstruction of all affected footways abutting the site to a scope and specification to be agreed, incorporating the replacement of the northerly kerbline on Trinity Street, reinstatement of the redundant vehicular accesses,

provision of a section of extended footway and footway crossing to access the proposed 'Trinity Street Car Parking', demarcation of the limits of the adopted highway with flush (at all pedestrian/vehicular access points)/50mm upstand (adjacent to all ornamental grass beds/planted borders) edgings and all associated highway and highway drainage remedial works required as a result of the development;

- Provision of level pedestrian accesses at the interface with the existing adopted highway;
- Extension of the existing pedestrian guardrailling on Market Street to a scope and specification to be agreed in the vicinity of the proposed pedestrian access from Market Street to the stepped access to the main entrance;
- Scheme of surface water drainage works/hardstanding materials to ensure that surface water will not be discharged from the site onto the adjacent adopted highway from the hard paved areas proposed;
- Provision of a street lighting assessment of Trinity Street and the junction with Market Street, and, if required, subsequent scheme of improvements to existing street lighting on the adopted highway, incorporating the replacement of all affected street lighting columns as a result of the assessment and proposed access arrangements in positions to be agreed;

Reason. To secure the satisfactory development of the site in terms of highway safety, ensure good highway design and maintain the integrity of the adopted highway, in the interests of highway safety pursuant to Bury Unitary Development Plan Policies EN1/2 - Townscape and Built Design and HT6/2 - Pedestrian/Vehicular Conflict.

- 10 The approved development shall be constructed in accordance with the submitted Construction Environmental Management Plan Issue 02 received 7th October 2021 for planning permission ref 66978. The approved plan shall be adhered to throughout the demolition/construction period and the measures shall be retained and facilities used for the intended purpose for the duration of the demolition and construction periods. The proposal shall ensure that a minimum footway of 1.5metres is maintained on Angouleme Way/ Market Street at all times with an alternative footway to be used on Trinity Street. No crane is approved to oversail the adopted highway. The areas identified shall not be used for any other purposes other than the turning/parking of vehicles and storage of demolition/construction materials.

Reason. To mitigate the impact of the construction traffic generated by the proposed development on the adjacent residential streets, and ensure adequate off street car parking provision and materials storage arrangements for the duration of the construction period and that the adopted highways are kept free of deposited material from the ground works operations, in the interests of highway safety pursuant to Bury Unitary Development Plan Policies EN1/2 - Townscape and Built Design and HT6/2 - Pedestrian/Vehicular Conflict.

- 11 The car parking indicated on the approved plans submitted and approved under planning ref 66978 shall be surfaced in a porous/permeable material and/or incorporate measures to prevent the discharge of surface water onto the adjacent adopted highway and be made available for use prior to the development hereby approved being occupied/brought into use and thereafter maintained at all times. This condition can be satisfied in phases.

Reason. To ensure adequate off street car parking provision in the interests of road safety pursuant to policy HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan.

- 12 The bin storage arrangements indicated on the approved plans under planning ref 66978 shall be implemented before the development hereby approved is brought into use and thereafter be maintained available for use at all times. This condition

can be satisfied in phases.

Reason. To ensure adequate off-highway bin storage arrangements are provided within the curtilage of the site, in the interests of highway safety pursuant to Bury Unitary Development Plan Policies EN1/2 - Townscape and Built Design.

- 13 Prior to occupation the applicant shall provide one fast capability electric vehicle (EV) charging point.

Reason. 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 pursuant Chapter 9 - Promoting sustainable transport of the National Planning Policy Framework.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JT	6/10/22		