

DELEGATED REPORT

Report by Helen

Date of report: 25/11/2020

Ref:66017/FUL

Goldsbrough

Registration: 16/10/2020

LDfC: 13/11/2020

Expiry Date: 11/12/2020

Site Visit: 05/11/2020

Site Notice: 23/10/2020

Press Date: N/A

Objections: 0

Con Area: N/A

Adv Type: PI

Reason for Delay:

EIA: NA

N/A

Dec Level: DEL

Stat Class: MIOT

Proposal: Erection of timber hoarding for a temporary period of two years

Location: Former Peel Health Centre, Angouleme Way/Market Street, Bury, BL9 0BT

Description

The application relates to the site of the former Peel Health Centre. The area is mixed use and is bounded by a Council owned car park to the south, Bury Market to the north, the College to the West and offices to the East. The site itself comprises of a vacant former doctors surgery, and is bounded by 3 highways - Market Street, Angouleme Road and Trinity Street.

Planning permission is sought seeks to erect a hoarding/ fencing around the site, at a maximum height of 2 metres. The hoarding would be constructed of plywood, fixed to timber posts. The posts will be supported from a combination of concrete pad foundations and surface mounted concrete blocks. The proposed hoarding is aligned with the site boundary, with deviations made at the junctions of Trinity Street/Market Street and Angouleme Way/Market Street.

The applicant is keen to utilise the fencing as a potential advertising for a proposed future project and as such an advertisement consent 66018 is also being considered in tandem with this application.

Relevant Planning History

59794 - Automatic number plate recognition camera - camera mounted on a 6 metre high column (retrospective) - Approve with Conditions 03/06/2016

59795 - 17 No. non-illuminated pole mounted car park management signs (retrospective) - Approve with Conditions 20/04/2016

66018 - Vinyl banner sign to timber hoarding for a temporary period of two years - Pending

13/0610 - Untidy property - 14/10/2016

13/0611 - Untidy advertisement - 25/11/2013

16/0486 - Untidy land - 27/10/2017

Publicity

Letters sent 21/10/2020

Site Notice 23/10/2020

No representations received.

Statutory/Non-Statutory Consultations

Traffic Section - conditions requested relating to dilapidation surveys, remediation of highway and visibility splays. Aspects relating the highways act will be attached as informatives rather than conditions.

Environmental Health - Contaminated Land - no comments to make regarding contaminated land or air quality.

Environmental Health - Pollution Control - no response

Environmental Health - Commercial Section - no response

Greater Manchester Ecology Unit - There are unlikely to be any significant ecological issues associated with the erection of the hoardings. Issues relating to bats, nesting birds and invasive species can be dealt with via condition and or informative.

Pre-start Conditions - Not relevant

Unitary Development Plan and Policies

Area	Townside/Market Street
BY7	
EN1/2	Townscape and Built Design
EN1/7	Throughroutes and Gateways
EN1/9	Advertisements
EN6	Conservation of the Natural Environment
EN6/3	Features of Ecological Value
NPPF	National Planning Policy Framework
HT6/2	Pedestrian/Vehicular Conflict

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 victimization;

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.

Policy

NPPF Paragraph 132 states that "the quality and character of places can suffer when advertisements are poorly sited and designed. A separate consent process within the planning system controls the display of advertisements, which should be operated in a way which is simple, efficient and effective. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts." This is further supported by the National Design Guidance published by the Ministry of Housing, Communities and Local Government that confirms public spaces, including signage, should encompass its siting and integration into the wider network of routes as well as its various elements.

UDP Policy EN1/9 relates to adverts and signage and states that proposals should have regard to the character of the locality, scale of the existing building and land use and be considered on their impact on amenity and safety.

UDP Policy EN1/7 - Throughroutes and Gateways is concerned to improve the quality of development along throughroutes and at gateways, and will require new proposals fronting major throughroutes and at the identified gateways to display a high standard of design and landscaping.

UDP Policy EN1/2 - Townscape and Built Environment seek to prevent unacceptable adverse effect on the particular character and townscape of the Borough's towns, villages and other settlements.

Design and Layout

The site is on a main junction and throughroute at the edge of Bury town centre. It is in a prominent position and highly visible at the Market Street and Angouleme Way junction. Due to the car park sited to the south of Trinity Street the where the hoarding is proposed is particularly prominent when travelling along Market Street due to the lack of screening from adjacent buildings. The area is mixed use and is bounded by a Council owned car park to the south, Bury Market to the north, the College to the West and offices to the East. The site itself comprises of a vacant former doctors surgery, and is bounded by Market Street, Angouleme Road and Trinity Street.

Advertisements on commercial premises are generally acceptable where they are properly sized and sited, are not overly large and respect the development around the site. Whilst this particular application does not consider the advertisements, the hoardings on which they are to be placed are under consideration and as such this needs to be assessed in tandem. The proposed hoarding is considered to be of a suitable scale in relation to the

site. Whilst the hoarding would have some prominence in the street scene due to the location of the site on a busy junction, the proposal is not dissimilar to the hoarding that could be constructed under permitted development rights for building projects. Due to the mixed use nature of the area, within close proximity of the town centre, the introduction of a 2 metre hoarding is considered to be acceptable.

The site as it stands is in a poor state, with the building showing evidence of vandalism. The hoarding would stand to secure the site whilst the owner investigates possible development potential. The applicant seeks a limited permission for 2 years in order to pursue this. The site, due to its position, has a long range of visibility at this main junction and throughroute from the town centre and as such the improvement of the visual amenity of the site by erecting a temporary hoarding is considered to be acceptable.

As such the proposal is considered to be acceptable and would not have a detrimental impact on the character of the street and the general visual amenity of the area and therefore complies with UDP Policies EN1/9, EN1/7 and EN1/2 and NPPF paragraph 132.

Highways

UDP Policies EN1/2 and HT6/3 seek to ensure adequate access, and to reduce pedestrian/vehicular conflict following development. The Traffic Section have been consulted in relation to the proposal and assessed the visibility splay/forward visibility envelope submitted. No objections have been raised in relation to the scheme submitted subject to implementation. As such the proposal is considered to comply with policy.

Ecology

Whilst there may be bat roosts within the former health centre, GMEU have confirmed that the erection of hoardings has negligible potential impact on the potential roost and as such no further information or measures are required at this time.

It appears that the erection of the hoarding will require the cutting back or removal of trees and shrubs around the building. This will provide 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. As such, a condition will be attached to any permission that limits the time frame in which works to trees and shrubs can occur.

A Cotoneaster spp is present on the site. A number of Cotoneaster spp are included in schedule 9 part 2 of the Wildlife & Countryside Act 1981 (as amended). It is an offence to introduce or cause to grow wild any plant listed under this schedule. As it unclear whether any such species will require removal for this phase and the only risk would be if the cut back material was illegally disposed of. GMEU have confirmed that they are satisfied that at this stage an informative will suffice in relation to the invasive species.

Section 170 of the NPPF 2019 states that the planning policies and decisions should contribute to and enhance the natural and local environment. The current application whilst potentially having minor negative impacts is a pre-liminary and temporary phase of the development proposal. No further information or measures are required at this stage.

Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015

The Local Planning Authority worked positively and proactively with the applicant to identify various solutions during pre-application discussions to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. 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 Permission is hereby granted for a limited period only, namely for a period expiring 2 years from the date of this decision notice, and the building, works and use comprising the development for which permission is hereby granted are required to be respectively removed and discontinued at the end of the said period and the land reinstated to its former condition unless a valid application is received by the Local Planning Authority for its retention.
Reason. In view of the temporary nature of the development and in order to retain control over its continued use having regard to the particular nature of the site and surroundings pursuant to The National Planning Policy Framework.
- 2 This decision relates to drawings numbered BUR-ATK-BS-PEEL-DR-D-004 Rev P1, BURY-ATK-BS-PEEL-DR-D-0003 Rev P2, BURY-ATK-BS-PEEL-DR-D-0003 Rev P1, BURY-ATK-HGN-PEEL-DR-D- 001 Rev P1 and BURY-ATK-BS-PEEL-DR-D-0002 Rev P2 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 No works to trees or shrubs shall occur between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance.
Reason. In order to ensure that no harm is caused to a Protected Species pursuant to policies EN6 - Conservation of the Natural Environment and EN6/3 - Features of Ecological Value of the Bury Unitary Development Plan and National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.
- 4 The visibility splay/forward visibility envelope indicated on approved plan reference BURY-ATK-HGN-PEEL-DR-D-001 Revision P1 shall be implemented and subsequently maintained free of obstruction above the height of 0.6m.
Reason. To ensure the intervisibility of the users of the site and the adjacent highways in the interests of road safety pursuant to Bury MBC Unitary Development Plan Policies HT6/2 - Pedestrian/Vehicular Conflict and EN1/2 - Townscape and Built Design

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
Helen Goldsbrough	25/11/2020	DM	08/12/20