

Appeal Decision

Site visit made on 6 September 2016

by Stephen Normington BSc DipTP MRICS MRTPI FIQ FIHE

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 29 September 2016

Appeal Ref: APP/P4225/W/16/3152244

Heap Bridge, Bury New Road, Heywood, Rochdale BL9 7HR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Paul McMahon (MCM2 Cladding Systems Ltd) against the decision of Rochdale Metropolitan Borough Council.
 - The application Ref 16/00324/FUL, dated 17 March 2016, was refused by notice dated 9 June 2016.
 - The development proposed is described as change of use of former car wash (sui generis) to wholesale storage, B8 use (including a trade counter) and for alterations to the front elevation and fencing.
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Decision

1. The appeal is dismissed insofar as it relates to the alterations to the front elevation and fencing and planning permission is granted for the change of use of former car wash (sui generis) to wholesale storage, B8 use (including a trade counter) at Heap Bridge, Bury New Road, Heywood, Rochdale BL9 7HR in accordance with the terms of the application, Ref 16/00324/FUL, dated 17 March 2016 so far as is relevant to that part of the development hereby permitted and subject to the following conditions:
 - 1) Within 28 days of the date of this decision a detailed scheme for the layout and marking out of the car park within the curtilage of the site shall be submitted to the local planning authority for its approval in writing. Such scheme shall provide for marked bays for the parking of cycles, motorcycles and cars and measures to prevent the parking of vehicles in front of the premises and abutting the road. The bays for the parking of cars shall be no less than 2.4m wide and 4.8m long. The approved scheme shall be fully implemented within 28 days of the details being approved and the areas shall be retained and not thereafter be used for any purpose other than the parking of vehicles
 - 2) The premises shall only be open for trade or business between the hours of 0700 to 1900 Monday through Saturday and not at all on Sundays and Bank Holidays.

Procedural Matters

2. The change of use has been implemented and the development comprising the alterations to the front elevation and fencing has been completed. I have no evidence to indicate that the works to the front elevation and fencing have
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been constructed otherwise than in accordance with the submitted plans. I have dealt with the appeal on the basis of the application as submitted.

3. For the reasons that follow, I find that the change of use to be acceptable and this could clearly have been undertaken on the site unencumbered by the external modifications to the building and fencing. Therefore, I intend to issue a split decision in this case and grant planning permission for the change of use.

Main Issues

1. The main issues are:

- Whether the change of use is acceptable having particular regard to the location of the site within a mixed employment zone.
- The effect on highway and pedestrian safety.
- The effect on the character and appearance of the area.

Reasons

Change of use

2. The site is allocated as a mixed employment zone. The Council's approach to the consideration of employment proposals within such zone is set out in Saved Policy EC/3 of the Rochdale Borough Unitary Development Plan (2006) (UDP). This policy, amongst other things, states that change of use will be permitted for warehousing and distribution (B8), builders' merchants and outlets providing a service to the trade.
3. The site is occupied by a roofing supplies merchant and in my view the change of use from the former car wash to the current use is consistent with the requirements of Saved Policy EC/8. The Council accept that the change of use is acceptable in principle and have no objection to a split decision being issued on this appeal to permit the continuation of such use.
4. Notwithstanding my findings below regarding the effect of the fencing and external cladding comprising the operational development parts of the proposal, I agree with the Council that the use is acceptable. Consequently there is no conflict with Saved Policy EC/8 of the UDP.

Highway and Pedestrian Safety

5. The Council accepts that there is adequate space within the curtilage of the site to accommodate an adequate amount of car parking and that the level of traffic anticipated to be generated by the proposed development is unlikely to have any significant impact on the existing local highway network. I concur with these views.
6. At my site visit I observed the parking bays that have been marked out to the west of the building. I consider that the use of the parking spaces as marked out would lead to vehicle conflict when reversing as a consequence of the orientation of the bays, their size and proximity to each other. In addition, the existing position of the bays is likely to result in vehicles having to reverse on to the road in order to exit the site. This would be detrimental to highway and pedestrian safety.

7. I also noted the availability of parking at the front of the building. The use of this parking area would result in parked vehicles overhanging the footway and vehicles egressing these bays are also likely to have to make reversing manoeuvres onto the road. Consequently, the use of the parking bays at the front of the site would be detrimental to highway and pedestrian safety.
8. As there is sufficient space within the site to accommodate the required parking I accept that a planning condition could be imposed requiring the submission and implementation of a parking scheme. The Council accept that the imposition of such condition would address its concerns regarding pedestrian and highway safety.
9. I therefore conclude that, subject to the imposition and compliance with such a condition, the change of use would not have a significant detrimental effect on highway and pedestrian safety. As such, there would be no conflict with Saved Policies A/9 and A/10 of the UDP. These policies, amongst other things, require development proposals to facilitate safe access for traffic and make adequate provision for car parking.

Character and appearance

10. The appeal site is located in a prominent position close to the junction of Bury New Road with Heap Brow. The area is characterised by predominantly commercial buildings positioned close to the road. The external alterations to the building comprise the installation of dark grey corrugated metal cladding of various styles and with corrugations being placed both vertically and horizontally.
11. The Council suggest that the cladding has resulted in an increase in the height of the building although this is disputed by the appellant and I have no conclusive evidence to indicate which party is correct. Windows in the frontage of the former building have also been removed or clad over. A fence, approximately 4m high, has been erected along to frontage of the site to the east of the building and positioned immediately to the rear of the footway. This fence is also constructed of dark grey corrugated metal cladding.
12. I consider that the extent of conjoined cladding of various styles appears unacceptably prominent in the street scene. The lack of any brick plinth, fenestration or any other measures to break up the mass of cladding has resulted in a continuous building and structure that appears utilitarian and offers little in terms of design quality to the well trafficked street frontage. The fence, in particular, positioned adjacent to the footway gives the appearance of a contrived and overbearing structure that detracts from the appearance of this part of the street scene. Moreover, by virtue of its height and materials the fence contrasts markedly with the existing stone property to the east of the site.
13. Whilst I accept that cladding is a feature of many other buildings of this part of Bury New Road, such buildings are predominantly larger purpose built industrial units with brick plinths below the cladding on the road frontage. As such they have a consistent and acceptable design style. This contrasts with the appeal building which has been over clad in metal cladding that is continuous from the roof to ground level and comprises a variety of styles and has been attached with both horizontal and vertical corrugations. As such, I consider that the appeal building and fence display no consistency in the use of

cladding materials. In addition, other buildings in the vicinity do not display the extent of corrugated cladding as a means of fencing as is used on the appeal site.

14. Taking these matters into account, the works to the front elevation and fencing detract from the character and appearance of this part of Bury New Road and as such do not reflect or respect the prevailing characteristics of the locality. Consequently, the external modifications to the building and fencing are contrary to Saved Policy BE/2 of the UDP. This policy, amongst other things, requires development to demonstrate good design that is compatible with its surroundings and creates visual interest in buildings lacking character.

Other matters

15. The appellant has drawn my attention to the fact that the fence is required for security purposes and that examples of other fencing positioned adjacent to the footway also exist in the locality. Whilst I recognise the need for security, any fencing erected should be of an appropriate design and height relative to the character of its surroundings. The examples of other fencing in the locality appear to be either close boarded timber panels or brick/palisade fencing, both of which are common place within the street scene throughout the country. Moreover they are at a lower height than the fence in this appeal. Consequently, I do not consider that the examples of other types of fencing are comparable to the issues in this appeal and as such I have attached little weight to them.

Conditions

16. The Council has suggested two planning conditions which I have considered against the advice given in paragraph 206 of the Framework and the guidance contained in the section on 'Use of Planning Conditions' in the Government's Planning Practice Guidance. As a result, I have amended some elements of them for clarity.
17. Given my findings regarding the current car parking arrangements I agree that a scheme is required for the marking out of the car park within the curtilage of the site and its subsequent retention for use for car parking.
18. Given the proximity of the site to residential properties on Lord Street I agree that a condition is also required to restrict the opening hours of the premises in order to protect the living conditions of the occupiers of nearby properties with particular regard to noise and disturbance.

Conclusion

19. For the above reasons and taking all other matters raised into account, I conclude that the appeal should be allowed insofar as it relates to the change of use of former car wash (sui generis) to wholesale storage, B8 use (including a trade counter) and dismissed in so far as it relates to the alterations to the front elevation and fencing.

Stephen Normington

INSPECTOR