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<b>Application Number</b>	<b>Date of Appln</b>	<b>Committee Date</b>	<b>Ward</b>
087715/FO/2008/N1	19th Mar 2009	23rd Jul 2009	Harpurhey Ward

**Proposal** Retrospective Application for change of use to funeral directors, including chapel and offices, and associated ramped access

**Location** The Ferns, 1065 Rochdale Road, Blackley, Manchester, M9 8AJ,

**Applicant** Fieldhey Ltd , Mr Michael Kennedy, 1065 Rochdale Road, Blackley, Manchester, M9 8AJ,

**Agent** Ackroyd And Company, Phoenix House, 4 Huddersfield Road, Stalybridge, Cheshire, SK15 2QA

### **Description**

The Site - This application relates to a single storey detached property located at 1065 Rochdale Road, which was used as a warehouse and offices for a double glazing company until February 2007. The site is situated on the corner of Rochdale Road and Cumberland Road in the Harpurhey area of North Manchester. The area surrounding the application site is residential in nature and there is a variety of shopping, social, educational and recreational activities close by. Rochdale Road is a major arterial route into and out of the city centre.

The proposal – This is a retrospective application for the change of use of this building from the double glazing business to a funeral directors, which includes a chapel of rest and associated offices and storage. As stated above, this use has been in operation since February 2007, and this application is the result of comments within the letters received from local residents for the recent applications at 1067/1069 Rochdale Road.

The proposal also includes the provision of a new ramp to the front of the building to allow access to the building for people with disabilities, and the retention of two air conditioning units onto the rear of the building. Detailed information in relation to the operation of this business has been submitted to accompany this application. This information will be outlined in detail later in this report.

### **Consultations**

Local Residents / Businesses – Letters of objection have been received from three local residents. The points raised can be summarised as follows:

1) Since the business has opened, there have been parking and traffic problems on Cumberland Road from staff cars, visitors cars, funeral vehicles (hearse and horse drawn carriages) and from deliveries. The driveway is only occasionally used, with the white van, hearses and the owner's car being parking on the adjacent streets. Notwithstanding the applicants claim that they cannot be held responsible for the third party's horse drawn carriage, this situation would not occur if the business was not operating from this premises.

2) The cars are often parked on the pavement outside the property on Rochdale Road, which blocks the footway for children, parents and prams. Often have to

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squeeze past the cars in a dangerous manner. This area is part of the City Council's Safer Routes to School programme and other road improvement schemes. If this planning application is approved, it would contradict these other Council strategies.

3) The amount of vehicles this business has seems unnecessary. If so many vehicles are required, then they should find a bigger place with more parking.

4) Due to concern over parking, a highway engineer has been invited to the site to look at the parking problems the residents are experiencing. The engineer is now looking at putting 10 metres of double yellow lines on Rochdale Road on each side of the Cumberland Road junction, along Ada Street and on Cumberland Road itself. The engineer has promised to keep residents informed on progress of this, however it is understood that it may take some time to implement.

5) The problems are in addition to the cars from the adult day care centre that has opened. Feels that living in the middle of a parking lot rather than in a residential road. This business is having terrible effects on a once quiet road. It is sometimes not possible to park outside the house, as there are business vehicles already in the space. These objections were also raised against the adult day care centre, however this use was still approved by the City Council.

6) Funerals set off from here with the mourners often being parked outside houses. This is not very nice on the doorstep. Hearses being parked outside a house are a constant reminder of the death of loved ones, which is very depressing on a daily basis.

7) It is stated within the submission that people park in this area and get the bus into Manchester city centre. The residents that have lived here for many years have never seen this happen, as there were no parking problems until this business opened.

8) There are two large extraction fans at the rear of the building that are giving off unpleasant fumes that reduce the quality of the environment.

Head of Regulatory and Enforcement Services – No objections in principle to the proposals subject to the inclusion of conditions in relation to servicing and deliveries, hours of operation, refuse storage and recycling and the acoustic insulation of external plant equipment.

Greater Manchester Police (Design for Security) – Comments made included that all new external fittings be to the standards set by Secured by Design and that it would be preferred to see internal shutters or grills rather than the external grills that currently exist to improve the appearance.

Head of Highway Services – The initial comments received from Highway Services raised concerns about a number of issues and requested further information. Comments included that the existing gate to fold back fully to ensure that both proposed in curtilage car park spaces are accessible, concerns over vehicular movements and operations of the business and concerns over claims that vehicles were parking on the footpath. However, following the additional information and

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amended plan submitted, it has been confirmed that Highway Services have no objections against the continued use of this development as a funeral directors. As photographic evidence has been provided in relation to parking on the existing footway, there must be a certain amount of responsibility taken on by the funeral directors in relation to the day to day operation. This could be controlled by condition.

### **Issues**

The Regional Spatial Strategy (RSS) for North West England - The RSS was adopted in September 2008 and replaces the previously published Regional Planning Guidance. The RSS provides a framework for development and investment in the region over the next fifteen to twenty years. For the reasons outlined below the proposal would be consistent with RSS policies DP2, DP4, DP5 and DP7 which are concerned with promoting sustainable communities, making the best use of existing resources and infrastructure, managing travel demand and promoting environmental quality.

The Unitary Development Plan for Manchester - For the reasons outlined below, the use of this premises as a funeral directors at 1065 Rochdale Road are considered to be acceptable, as they would be consistent with UDP policies. The relevant policies in this case are DC26, H2.2, E3.3, E3.5 and T2.4.

There are no specific UDP policies that relate directly to funeral directors, however there are relevant policies in relation to noise and disturbance, car parking and highway safety, developments on main city radial routes and the protection of residential amenity. Policy DC26 states that the Council intends to use the development control process to reduce the impact of noise on people living and working in, or visiting, the City. In giving effect to this intention, the Council will consider both the effect of new development proposals, which are likely to be generators of noise; and the implications of new development being exposed to existing noise sources, which are effectively outside planning control. To accompany this policy, H2.2 is also relevant and states that the Council will not allow development, which will have an unacceptable impact on residential areas. The matters that the Council will consider will include the scale and appearance of the development and its impact in terms of noise, vibration, traffic generation, road safety and air pollution.

As this premises is located on Rochdale Road, Policy E3.3 is also relevant which outlines that the City Council seeks to ensure high quality design along the City's main orbital and radial routes. Policy E3.5 states that the Council will promote measures which will lead to a safer environment for all people living in and using the City. These measures will include:- a) ensuring that the layout of new development is designed with safety in mind and does not lead to the creation of isolated areas; b) designing landscaping schemes so as to minimise the risk of attack; c) that community facilities are located where they are easy and safe to get to; d) providing safe places for children to play; e) improving road safety.

Finally, in relation to car parking, Policy T2.4 states that the City Council will expect developments to make adequate provision for their car parking requirements. In deciding whether the level of car parking associated with any development is

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acceptable, the Council will have regard to the environmental capacity of the site both in terms of the physical appearance of the car parking and its effect on neighbouring activities and also the ability of the local road network to accommodate the traffic generated by the proposed development.

The Proposed Use – As outlined above, the use of these premises as funeral directors has been brought to the City Council's attention through objections raised against the adult care centre across the road. The business has been in operation since February 2007, and there are no records of any complaints being received by the City Council against the business within the planning department, highways engineers or environmental services. The premises was used previously as a double glazing warehouse and offices, and therefore there is an established business use at the property rather than residential.

The applicant has submitted further detailed information about the operations of the business, in an attempt to address all the concerns raised by local residents. It has been confirmed that the establishment operates two hearse vehicles from the premises. It is usual practice for the vehicles to draw into the frontage from Rochdale Road and reverse back to the garage/storage area. One of the vehicles is then parked against the toilet block and the other is reversed partly into the garage area, which has been indicated as positions 1 and 2 on the submitted amended plan numbered 478-02 Rev C. This would be the usual configuration for the parked company vehicles unless the vehicles are away from the site. If the operational vehicles are parked in this location, it leaves the drop off and collection point sited to the front of the building free for visitors. It has also been confirmed by the applicant that the operational vehicles are kept off site at another location (Blossom Motor Company, Gunn Street, Ancoats). The vehicles are stored in Ancoats and then are collected when there is a funeral requirement and returned at night. According to the applicant, there are no hearse vehicles at the application site unless there is a funeral that day.

In answer to the queries about specific vehicle movements, the applicant has confirmed that this clearly relates to the number of funerals that day. The main practice operates between 8:30am and 5:00pm on Mondays to Fridays, and within this period it is usual for approximately 5 to 6 visitors per day. The Chapel of Rest is then open from 5:00pm to 7:00pm for further visitors, of which there is an average of 2 to 4 per day. It has been confirmed by the applicant that the nature of the business dictates the use of an appointment system, which ensures that there is never more than one visiting party at any one time. The area to the front of the building is used by those visitors for parking their cars, and therefore it is considered that there is adequate in curtilage parking is available for people visiting.

With regard to staff parking, the applicant has agreed that there is no justification for parking on the footway. It has been confirmed by the applicant that staff are made fully aware of the sensitivity of this situation and the impact on highway safety, and are encouraged by the company not to park in this way. However, it has been estimated by the applicant that there are only approximately 2/3 cars that may use the side street for parking and only between the hours of 8:30 and 10:00am. There are two members of staff that go to other business premises within the area, members of staff that drive to Gunn Street to collect the hearse vehicles and leave

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their cars in Ancoats and there are also 3 non-drivers employed by the company. Therefore, there are only a small number of staff personal vehicles at the site.

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Car Parking and Highway Issues – Based on the detailed information provided above by the applicant, it is considered that the business can be run efficiently to ensure that there is a limited impact on the surrounding residents in terms of car parking and other highway problems. Providing the business is operated in accordance with the details outlined above that are contained within the letter provided by Ackroyd and Company, then the amount of on street parking created by this business should be limited. It may be that the business has not been operated efficiently in accordance with these site management proposals in the past, which have led to the objections from residents and the evidence shown in the photographs submitted. However, it is proposed to include a number of restrictive conditions within this approval that will ensure the car parking at the site is managed appropriately.

Also, the parking of vehicles on a public footpath is covered by highways regulations, as it is illegal to park and block a public footway. The relevant authorities can also enforce this if such events occur at the site.

As mentioned above, this business has been in operation since February 2007, and it does not appear that any complaints have been received against this business by the City Council. The previous business was a double glazing warehouse and offices, so this company must have also had a number of large operational vehicles and staff cars. Therefore, the impact on highway safety is not considered to be any greater for this business than previous businesses that have operated from this building.

Following the submission of the additional information and the amended plan showing swept paths and parking locations, the Head of Highway Services has confirmed there are no objections to the proposal from a traffic generation and parking point of view. However, certain restrictive conditions have been requested and these can be seen later in this report. For these reasons, the proposal is considered to be acceptable in terms of its traffic impact, subject to the inclusion of

Residential Amenity – The main concerns that have been raised by local residents are in relation to the car parking problems in this area and these issues have been addressed above. However, other issues that require assessment are the impact of general comings and goings and the installation of two air conditioning units to the rear of the building. The opening hours of the business are only from 8.30am until 7.00pm and therefore, the business does not operate during unsociable hours that would disturb local residents. As outlined within the site management details provided, the main general activity of the business is also to the front of the premises, which is located onto the main busy Rochdale Road, therefore it is considered that the impact of general activities on local residential amenity would not be significant. Again as raised above, it is not considered that the impact from this business is any greater than that from previous businesses at this building. However, a condition has been included to limit the use of this premises as a funeral directors only within the Class A1 retail category, and not any other use within the retail category to again limit the impact on residential amenity.

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In relation to the air conditioning units, the technical specification of the units was requested for consideration, however the applicant has struggled to gain this information from the manufacturer. Therefore, a condition has been included that requests the submission of a full acoustic survey of the equipment within one month of any approval, to ensure that the units are operating at the correct noise standards.

Therefore, on the basis of the above assessment, it is not considered that the continued use of this building as a funeral directors will have a significant detrimental impact on the residential amenity enjoyed by the occupants of the surrounding properties.

Crime and Security - Comments were made by Greater Manchester Police in relation to the overall security of the business premises. These included that all new external fittings be to the standards set by Secured by Design and that it would be preferred to see internal shutters or grills rather than the external grills that currently exist to improve the appearance. Although it is not possible to control the removal of the external security grills on the windows as these have been in place for some time, it is possible to control the use of any future security measures to ensure that the building is as safe as possible. Therefore, a condition has been included that requires the development to incorporate measures to minimise the risk of crime and to meet the specific security needs of the application site and the development.

Visual Amenity – There have been limited elevational alterations to this building as part of the change of use. As outlined above, two air conditioning units have been installed to the rear of the building and it is proposed to install a new disabled access ramp to the front of the building. However, there have been no other alterations to the external elevations of these premises. Therefore, it is not considered that this proposal will have a detrimental impact on the visual amenity of the site or surrounding area.

Advertisements - This application does not grant consent for the advertisements that have been placed on the building to promote the business. However, it has been confirmed by the agent that a separate advertisement consent will be submitted if the continued use of the business is granted consent.

Disabled Access – The proposal includes the installation of a new disabled access ramp to the front of the building to improve access for all. Due to the tight dimensions of the site and the need to retain the access, egress and off street parking facilities to the front of the building, it has not been possible to provide the full 1.8m preferred width of a ramp under the City Council's Design for Access 2 requirements. However, the ramp is 1.2 metres wide to allow access by a wheelchair, has the accepted 1 in 20 gradient and has handrails around the edge, and therefore it does meet the other requirements of DFA2. Therefore, it is considered that the inclusion of this ramp will greatly improve access to this building and business to all people.

**Human Rights Act 1998 considerations** – This application needs to be considered against the provisions of the Human Rights Act 1998. Under Article 6, the applicants (and those third parties, including local residents, who have made representations)

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have the right to a fair hearing and to this end the Committee must give full consideration to their comments.

Protocol 1 Article 1, and Article 8 where appropriate, confer(s) a right of respect for a person's home, other land and business assets. In taking account of all material considerations, including Council policy as set out in the Unitary Development Plan, the Head of Planning has concluded that some rights conferred by these articles on the applicant(s)/objector(s)/resident(s) and other occupiers and owners of nearby land that might be affected may be interfered with but that that interference is in accordance with the law and justified by being in the public interest and on the basis of the planning merits of the development proposal. He believes that any restriction on these rights posed by the approval of the application is proportionate to the wider benefits of approval and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

### **Recommendation**

Approve in the light of policies DC26, H2.2, E3.3, E3.5 and T2.4 of the Unitary Development Plan on the basis that the proposal would not have an adverse impact on visual or residential amenity within the area, would be managed appropriately to ensure there is no significant detrimental impact on highway and pedestrian safety, and would be fully accessible to all.

### **Conditions and/or Reasons**

1) The development hereby approved shall be carried out in accordance with the following drawings and documents unless otherwise agreed in writing by the City Council as Local Planning Authority:

The application forms, location plan numbered 478-03, the disabled access statement, the waste management strategy and the drawing numbered 478-01, stamped as received by the Local Planning Authority on the 29th January 2009, and the amended plan numbered 478-02 Rev C and letter from Ackroyd and Company, stamped as received by the Local Planning Authority on the 12th June 2009.

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policies DC26, H2.2, E3.3, E3.5 and T2.4 of the Manchester Unitary Development Plan,

2) The premises hereby approved shall only be used as a funeral directors under Class A1 and for no other purposes within this use class of the Town and Country Planning (Use Classes) Order 2005, unless otherwise agreed in writing with the City Council as Local Planning Authority.

### **Reason**

For the avoidance of doubt and to protect the amenity of the occupiers of nearby residential properties from the adverse impact of other A1 retail uses pursuant to policies DC26 and H2.2 of the Unitary Development Plan for the City of Manchester.

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3) The proposed use hereby approved shall be operated in strict accordance with the site and car parking management proposals outlined within the Ackroyd and Company statement and on the drawing numbered 478-02 Rev C, received by the Local Planning Authority on the 12th June 2009, including the two operational hearse vehicles being parked wholly within the site while at the premises and not on the Rochdale Road or Cumberland Road pavements and the strict monitoring of the use of horse drawn carriages. The details of this approved management scheme shall be implemented as part of the development and shall remain in situ whilst the use or development is in operation.

Reason - In interests of pedestrian and highway safety and in the interests of residential amenity in order to reduce noise and general disturbance in accordance with Policies T2.4, H2.2 and DC26 and the Unitary Development Plan for the City of Manchester.

4) The vehicular access and egress points, drop off and collection point and the hardstanding/car parking area shown on the approved plan 478-02 Rev C shall be made available for use at all times and retained for this purpose whilst the site is occupied, unless otherwise agreed in writing by the City Council as the Local Planning Authority.

Reason - To ensure that there is adequate parking for the development proposed when the building is occupied in order to comply with Policies T2.4 of the Unitary Development Plan for the City of Manchester.

5) The proposed use hereby approved shall only be operated where visits to the premises by customers is through an appointment system only in accordance with the management proposals outlined within the Ackroyd and Company statement and on the drawing numbered 478-02 Rev C, received by the Local Planning Authority on the 12th June 2009. The business shall be operated in accordance with this system whilst the use is in operation.

Reason - In interests of pedestrian and highway safety and in the interests of residential amenity in order to reduce noise and general disturbance in accordance with Policies T2.4, H2.2 and DC26 and the Unitary Development Plan for the City of Manchester.

6) The development hereby approved shall be implemented in full accordance with the Waste Management Strategy proforma submitted to the Local Planning Authority on the 19th March 2009, the plan numbered 478-02 Rev C submitted to the Local Planning Authority on the 12th June 2009, and the letter from Ackroyd and Company dated 23rd January 2009, which includes a scheme for the disposal of refuse including clinical waste and segregated waste for recycling. The details of this approved scheme shall be implemented as part of the development and shall remain in situ whilst the use or development is in operation. Any changes to the approved Waste Management Strategy shall be submitted to and approved in writing by the City Council as Local Planning Authority.

Reason - In the interests of amenity and public health, pursuant to policies H2.2 of the Unitary Development Plan for the City of Manchester.

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7) The premises hereby approved shall not be open outside the following hours, unless otherwise agreed in writing by the City Council as local planning authority:-

Monday to Friday 8:30am to 7:00pm

No operations on Saturdays, Sundays and Bank Holidays

Reason - In interests of residential amenity in order to reduce noise and general disturbance in accordance with Policies H2.2 and DC26 and the Unitary Development Plan for the City of Manchester.

8) Deliveries, servicing and collections, including waste collections, shall not be carried out at the site outside the following hours:

Monday to Friday 7:30am to 8:00pm

No deliveries or waste collections shall take place on Sundays/Bank Holidays

Reason - In order to protect the amenity of local residents and in accordance with Policy H2.2 in accordance with the Unitary Development Plan for the City of Manchester.

9) Within one calendar month from the date of the permission hereby approved, the externally mounted ancillary equipment on the rear elevation of the building shall be acoustically insulated in accordance with a scheme submitted to and approved in writing by the City Council as local planning authority in order to secure a reduction in the level of noise emanating from the equipment. The approved acoustic scheme shall be fully implemented and shall remain operational thereafter, unless otherwise agreed in writing by the City Council as the Local Planning Authority.

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to policy H2.2 of the Manchester Unitary Development Plan.

10) If any security lighting is proposed at the property, if when illuminated, it causes undue glare or light spillage to the detriment of adjoining and nearby residential properties, baffles and/or cut-offs shall be installed on the units and adjustments made to the angle of the lighting units and the direction of illumination, and shall thereafter be retained in accordance with details which have received the prior written approval of the City Council as Local Planning Authority.

Reason - In order to minimise the impact of the illumination of the lights on the occupiers of nearby residential accommodation, pursuant to policy H2.2 of the Unitary Development Plan for the City of Manchester.

11) The proposed use hereby approved shall incorporate measures to minimise the risk of crime and to meet the specific security needs of the application site and the development, in accordance with a scheme to be submitted to and approved in writing by the City Council as local planning authority within one calendar month from the date of this permission. The development shall only be carried out in accordance with these approved details.

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Reason - To reduce the risk of crime pursuant to Policy E3.5 of the Unitary Development Plan of the City of Manchester and to reflect the guidance contained in Planning Policy Statement "Delivering Sustainable Development".

12) This permission does not relate or give consent to the signs/advertisements as shown on the plans.

Reason - For the avoidance of doubt and in the interests of visual amenity, pursuant to policy H2.2 of the Manchester City Councils Unitary Development Plan.

### **Local Government (Access to Information) Act 1985**

The documents referred to in the course of this report are either contained in the file(s) relating to application ref: 087715/FO/2008/N1 held by planning or are City Council planning policies, the Unitary Development Plan for the City of Manchester, national planning guidance documents, or relevant decisions on other applications or appeals, copies of which are held by the Planning Division.

### **The following residents, businesses and other third parties in the area were consulted/notified on the application:**

Engineering Services  
Environmental Health  
North Manchester Regeneration Team  
Greater Manchester Police  
Engineering Services  
872 Rochdale Road, Manchester, M9 8AH  
874 Rochdale Road, Manchester, M9 8AH  
876 Rochdale Road, Manchester, M9 8AH  
878 Rochdale Road, Manchester, M9 8AH  
Michael Kennedy Funeral Service, 1065 Rochdale Road, Manchester, M9 8AJ  
880 Rochdale Road, Manchester, M9 8AH  
5 Cumberland Road, Manchester, M9 8BH  
882 Rochdale Road, Manchester, M9 8AH  
884 Rochdale Road, Manchester, M9 8AH  
48 Ada Street, Manchester, M9 4BH  
50 Ada Street, Manchester, M9 4BH  
54 Ada Street, Manchester, M9 4BH  
52 Ada Street, Manchester, M9 4BH  
56 Ada Street, Manchester, M9 4BH  
58 Ada Street, Manchester, M9 4BH  
886 Rochdale Road, Manchester, M9 8AH  
888 Rochdale Road, Manchester, M9 8AH  
890 Rochdale Road, Manchester, M9 8AH  
1067 Rochdale Road, Manchester, M9 8AJ  
892 Rochdale Road, Manchester, M9 8AH  
1069 Rochdale Road, Manchester, M9 8AJ  
1071 Rochdale Road, Manchester, M9 8AJ  
44 Ada Street, Manchester, M9 4BH

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46 Ada Street, Manchester, M9 4BH  
34 Wilson Road, Manchester, M9 8BQ  
36 Wilson Road, Manchester, M9 8BQ  
38 Wilson Road, Manchester, M9 8BQ  
7 Cumberland Road, Manchester, M9 8BH  
9 Cumberland Road, Manchester, M9 8BH  
11 Cumberland Road, Manchester, M9 8BH  
15 Cumberland Road, Manchester, M9 8BH  
11a, Cumberland Road, Manchester, M9 8BH  
17 Cumberland Road, Manchester, M9 8BH  
2 Cumberland Road, Manchester, M9 8BH  
40 Wilson Road, Manchester, M9 8BG  
42 Wilson Road, Manchester, M9 8BG  
4 Cumberland Road, Manchester, M9 8BH  
6 Cumberland Road, Manchester, M9 8BH

**Representations were received from the following third parties:**

Head of Regulatory and Enforcement Services  
Greater Manchester Police (Design for Security)  
Head of Highway Services  
5 Cumberland Road, Manchester, M9 8BH  
7 Cumberland Road, Manchester, M9 8BH  
6 Cumberland Road, Manchester, M9 8BH

**Relevant Contact Officer :** Jeni Regan  
**Telephone number :** 0161 234 4164  
**Email :** [j.regan@manchester.gov.uk](mailto:j.regan@manchester.gov.uk)

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