

DELEGATED REPORT

Report by Jennie Townsend	Date of report: 08/05/2024	Ref: 70306/FUL
Registration: 02/01/2024	LDfC: 30/01/2024	Expiry Date: 27/02/2024
Site Visit: 19/01/2024	Site Notice: 19/01/2024	Press Date: N/A
Objections: 0	Con Area:	Adv Type: PI
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MIOT

Proposal: Alteration to fenestration; Replace existing windows; Replace existing roof with hidden valley gutter removed

Location: Albion Mill, Albion Street, Bury, BL8 2AD

Description

The application relates to a mill building, Albion Mill which is located to the west of Bury Town Centre and is within Bury Bridge/Daisyfield Employment Generating Area defined under Policy EC2/1/6. The area surrounding the site comprises similar mill type buildings, other industrial units and workshops.

The site is located at the end of Albion Street which leads from a major junction serving routes to and from the town centre.

Albion Mill is a rectangular 4 storey building with a basement area and has a chimney feature to the south elevation. It has been added to by an extension on the western side and a single storey addition to the northern elevation. The building is constructed of red brick and fenestration and the timber window patterns are symmetrical with stone heads and cills. The mill is an early example of a brick industrial building with important detailing and is on the Council's draft local list.

The building is split internally into different unit types, comprising storage and retail (showrooms) with associated offices.

Planning permission is sought for the alterations to the elevations to create new openings, change existing window/door openings, replace all existing windows with aluminium frames, remove the hidden valley roof gutter and replace the existing roof.

The proposed floor plans show internal re-configuration of some of the units but the uses would essentially remain the same (retail, office, storage).

Relevant Planning History

N/a

Publicity

Letters sent to 14 addresses on 9/1/24.
Site notice posted 19/1/24.

No responses received.

Statutory/Non-Statutory Consultations

Conservation Officer - No objection subject to conditions
Traffic Section - No objection subject to conditions

Pre-start Conditions - Applicant/Agent has agreed with pre-start conditions

Unitary Development Plan and Policies

NPPF	National Planning Policy Framework
EC2/1	Employment Generating Areas
EN1/2	Townscape and Built Design
EC4/1	Small Businesses
EC6/1	New Business, Industrial and Commercial
EN7/2	Noise Pollution

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

EC6/1 - Assessing New Business, Industrial and Commercial Development seeks high standards of design and appearance takes account of the surrounding environment and amenity. Ensuring good design in terms of scale, size, density, layout, height and materials is important in maintaining and improving the image of the Borough.

EN1/2 - Townscape and Built Design will give favourable consideration to proposals which would not have an unacceptable adverse effect on the particular character and townscape and factors considered when assessing proposals include the external appearance and design and choice and use of materials.

In terms of the proposals to the elevations to create new openings and replace door and window openings and replace the roof, in principle these works would be acceptable and would ensure the continued maintenance and future viability of the mill.

Heritage

Paragraph 200 of the National Planning Policy Framework (NPPF) states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

Paragraph 201 of the NPPF states local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

Paragraph 202 of the NPPF states where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision.

Paragraph 209 of the NPPF states the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

The applicant has submitted a revised Heritage Statement and Statement of Significance which has provided a better understanding of the buildings' heritage values and the potential impact of the proposals on the significance of it.

It has concluded that the building derives its significance mainly from the external envelope of the building by virtue of its fenestration pattern, size, proportion and retention of original stone cills and heads. Internal cast iron columns remain giving its legibility as a mill but little else of the original remains.

The external alterations to the roof do not require planning permission but would not be

visible from normal vantage points and as such are acceptable in heritage conservation terms.

The applicant has proposed heritage style thin profile aluminium windows to match the existing design and set within the existing reveal. This would retain the character of the building and be acceptable in principle. The applicant has provided detailed design plans of the windows which would be fitted within the existing reveal.

Glazed aluminium frames would also be acceptable for the proposed new doors subject to the same design detail requirements.

A condition for the submission of a sample frame and stonework prior to installation would be included.

Demolition of the small single storey non-historic extension would be acceptable. The proposed roof lights would be acceptable, and a manufacturers design specification has been submitted for them which is acceptable, and which will part of the approved plans.

The proposal will either comply with or not be contrary to paragraphs 200, 201, 202 and 209 of the NPPF and Heritage Policy JP-P2.

Highways

The proposed development would not comprise alterations to access the site. The applicant has confirmed that the windows would be opening inwards and the Highway Section have raised no objection to the proposals subject to a condition to provide details for the reinstatement of the redundant pedestrian footway crossing required as a result of the proposed alterations to the building access arrangements onto Albion Street and a construction method statement.

A condition has also been recommended that prior to commencement of development a scaffolding/hoarding permit be applied for.

However, these works would be considered under the Highway Act and would not be a material consideration under planning and as such it would be reasonable to include the requirements for these highway works as an informative.

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 the application process 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 The development must be begun not later than three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
- 2 This decision relates to drawings -
Site location and Block plan GSS23089.2 001 rev 1
Revised proposed plans received 16/4/24 - GSS23089.2 -

Proposed Ground floor - 003 1
 Proposed First floor - 003A 1
 Proposed Second floor - 003B 1
 Proposed Third floor 003C 1
 Proposed Roof 003D 1
 Proposed Front and left elevation 005A 2
 Proposed Rear and right elevation 005B 2
 Existing and proposed sections 006
 Window details 501
 Velux rooflight - manufacturer's design specification received 16/4/24
 Window specification detail (Optico) received 2/5/24
 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 Notwithstanding the details indicated on the approved plans, no development shall commence unless and until full details of the following have been submitted to and agreed with the Local Planning Authority:

(1) Reinstatement of the redundant pedestrian footway crossing required as a result of the proposed alterations to the building access arrangements onto Albion Street.

The details subsequently approved shall be implemented.

Reason. To ensure compliance with the Highways Act 1980, ensure good highway design and in the interests of pedestrian safety pursuant to Policies EN1/2, JP-C5 and JP-C6.

- 4 The development hereby approved shall not be commenced unless and until a construction method statement has been submitted to and approved by the Local Planning Authority incorporating appropriate pedestrian protection measures and retention of adequate pedestrian facilities/access arrangements on the adopted footways that abut the site. The measures subsequently approved shall be implemented and maintained for the duration of the works that affect the adjacent adopted highway.

Reason. In the interests of highway safety pursuant to policies EN1/2, JP-C5 and JP-C6.

- 5 Prior to the installation of the approved windows, a sample window frame and sample of the stonework shall be submitted to/made available for approval by the Local Planning Authority. Only the approved frame and stone shall thereafter be used in the development hereby approved.

Reason. To preserve the character and visual appearance of the Non-Designated Heritage Asset pursuant to policies EN1/2 -Townscape and Built Design and the principles of the NPPF.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JT	8/5/24	DM	08/05/2024