

DELEGATED REPORT

Report by Helen Leach	Date of report: 03/06/2024	Ref: 70751/NON
Registration: 13/05/2024	LDFC:	Expiry Date: 10/06/2024
Site Visit: 03/06/2024	Site Notice: N/A	Press Date: N/A
Objections:	Con Area: N/A	Adv Type: NONE
Reason for Delay:		EIA: NA
N/A		Dec Level: DEL
		Stat Class: MADW

Proposal: Non-material amendment following grant of planning permission 70333 (mixed use development/residential):

Amendment 1. Provision of new transom line under the opening light to all ground floor residential windows;

Amendment 2. Provision of louvres above all residential windows on block A.

Location: Land off Green Street, Radcliffe

Description

The site is located between the Green Street, Pilkington Way and Blackburn Street in the town centre of Radcliffe. The site consists of a landscaped area near Blackburn Street, 2 car parks, which are accessed from Blackburn Street and Green Street associated with the vacant site of the former leisure centre. In recent years, a temporary covid-19 testing centre was located on one of the car parks, but this has been cleared from the site.

St Thomas and St John church, which is Grade II listed is located to the east of the site and is set within landscaped grounds. There are commercial uses, retail uses and a car park to the south of the site. Pilkington Way forms the boundary to the north and is level at the north, but significantly lower than the site at the western point. Beyond Pilkington Way is a area of landscaping and residential properties.

Planning permission (68998) was granted in June 2023 for the erection of 2 buildings containing 132 apartments, a bar, offices and commercial units. The development has commenced on site.

The proposed residential building would be located along the northern boundary of the site and would be residential only. It would contain 97 apartments, which are split into 2 blocks with separate entrances and would be 5 - 6 storeys in height. The proposed building would be constructed from facing brickwork in two colours and cladding.

The second building would be located along the boundary with Pilkington Way and Blackburn Street and would be mixed use. It would contain a pub and 2 commercial buildings on ground floor, offices on the first and second floor and apartments on the remaining floors. The proposed building would be 2 - 6 storeys in height above ground with a basement level and would be constructed from facing brickwork in two colours and cladding.

The proposed development would be accessed from Green Street and car parking would be provided in the basement of the proposed mixed use building proposed as well as ground level.

A non material amendment was granted to raise the height of the lower part of the mixed use building (building A) by 0.3 metres per floor.

The applicant seeks a non material amendment for 2 changes:

1. Provision of a new transom line under the opening light to all ground floor residential windows;
2. Provision of louvres above all residential windows on block A.

Relevant Planning History

59213 - Prior notification for demolition of existing building at Radcliffe swimming pool, Green Street, Radcliffe. Prior approval required and granted - 9 November 2015.

68998 - Construction of new mixed-use development comprising 132 apartments, bar, commercial and office spaces with associated landscaping and car parking at land at Green Street, Radcliffe. Approved with conditions - 27 June 2023.

70333 - Variation of condition No. 3 (affordable housing) following approval of permission 68998 - amendment to the tenure and unit mix at land at Green Street, Radcliffe. Approved with conditions - 24 April 2024.

70474 - Non-material amendment following grant of planning permission 68998 to increase in height of the lower part of building A by 300mm per floor, equating to 900mm total increase to the affected three storey portion, and 600mm to the affected two storey portion of the building. - Approve 23/02/2024.

Publicity

None required.

Statutory/Non-Statutory Consultations

None required.

Pre-start Conditions - Not relevant.

Development Plan and Policies

EC5/2	Other Centres and Preferred Office Locations
EC6/1	New Business, Industrial and Commercial
H1/2	Further Housing Development
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
H4/1	Affordable Housing
EN1/1	Visual Amenity
EN1/2	Townscape and Built Design
EN1/3	Landscaping Provision
EN1/4	Street Furniture
EN1/5	Crime Prevention
EN1/7	Throughroutes and Gateways
EN1/8	Shop Fronts
EN2	Conservation and Listed Buildings
EN2/3	Listed Buildings
EN5/1	New Development and Flood Risk
EN6	Conservation of the Natural Environment
EN6/3	Features of Ecological Value
EN7	Pollution Control
EN7/1	Atmospheric Pollution
EN7/2	Noise Pollution
EN7/5	Waste Water Management
EN8	Woodland and Trees
EN8/2	Woodland and Tree Planting
RT2/2	Recreation Provision in New Housing Development
S1/2	Shopping in Other Town Centres
S2/1	All New Retail Proposals: Assessment Criteria

S2/6	Food and Drink
HT2/3	Improvements to Other Roads
HT2/4	Car Parking and New Development
HT5/1	Access For Those with Special Needs
HT6/2	Pedestrian/Vehicular Conflict
TC2	Town Centre Enhancement and Development
TC2/2	Mixed Use Development
TC2/3	Vacant and Cleared Sites
Area	Green Street/New Church Street
RD2	
SPD1	Open Space, Sport and Recreation Provision
SPD5	DC Policy Guidance Note 5: Affordable Housing
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), 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.

Design and layout - The applicant has been progressing the technical design for the proposed buildings and the ventilation requirements require a significant number of ventilation terminals to be installed on Block A. The proposed development would involve the installation of a louvred section above each window in the residential apartments, which would complement the detail designed for the windows in the commercial units. The proposed louvres would not be a prominent feature in the streetscene.

The acoustic report concluded that the windows in block B would need to be side hung, so they can be opened, while still providing some acoustic protection for the residents. This would limit the opening size and as such, the proposed development involves the addition of a transom across the ground floor windows, which would allow these windows to be the same size and dimensions as the windows on the floors above. The proposed amendment would complement the design of the building by matching the window design to the floors above. As such, the proposed development would not be a prominent feature in the street scene.

Therefore, the proposed development would be in accordance with Policies EN1/2, H2/1 and H2/2 of the Bury Unitary Development Plan.

Recommendation: Approve

Conditions and Reasons:

- 1 The proposed amendments would not impact adversely upon the appearance of the site or the residential amenity of the nearby properties. As such, the proposed development would not be unduly prominent in the locality. The proposed amendments would not have a detrimental impact upon highway safety and would still be in accordance with the overall principles in terms of the approved application 68998 and the Policies against which this was approved. As such, the application is a non-material amendment.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
HL - 03/06/2024		DM - 03/06/2024	