

DELEGATED REPORT

Report by Helen Leach	Date of report: 03/06/2024	Ref: 70756/NON
Registration: 13/05/2024	LDfC:	Expiry Date: 10/06/2024
Site Visit: 21/05/2024	Site Notice: N/A	Press Date: N/A
Objections:	Con Area: N/A	Adv Type: N/A
Reason for Delay:		EIA: NA
N/A		Dec Level: DEL
		Stat Class: MAOT

Proposal: Non-material amendment following grant of planning permission 69580 (Erection of flexible events hall & new canopy structure to cover existing outdoor market):
Amendments to the extent of the proposed canopy;
Canopy 2 to be cut shorter (as per associated drawings).

Location: Land & buildings at Murray Road/2-10 Princess Parade/47-51 Market Street & Bury Market, Bury, BL9 0XX

Description

The flexi hall/market application site is 1.31 hectares in size and includes the outdoor section of Bury market and buildings at 1 Murray Road, 47 - 51 Market Street and 2 - 10 Princess Parade. The buildings at Princess Parade and Market Street contain commercial and retail units and are two storeys in height. The building on Murray Road contains the market offices and is single storey.

Currently, the site is accessed from Angouleme Way via Murray Road and Hilton Road. There are a small number of parking spaces accessed from Hilton Road and a coach drop off on Murray Road, which connects to Angouleme Way.

There are commercial units to the north and west. Bury interchange is located to the east of the site and Angouleme Way forms the boundary to the south.

Planning permission was granted in August 2023 for:

- the demolition of the existing buildings (1 Murray Road, 47 - 51 Market Street and 2 - 10 Princess Parade);
- the erection of a new flexible events hall;
- the erection of a new canopy structure to cover the existing outdoor market;
- temporary permission for a construction compound on the Bury Market car park.

New canopy structure - The permission included the erection of a canopy above the external market. The proposed canopy would be constructed from a membrane with polycarbonate panels and would consist of a canopy with a series of pitched roofs, which would be set above the existing market stalls.

The applicant seeks permission for a non material amendment to reduce the size of canopy 2 to cover the Edward and Frederick blocks only. The reduction in size of the canopy is required to ensure that the columns to support the canopy do not impact upon the gas and water mains, which pass through the site.

Relevant Planning History

47600 - Provision of two new market stalls at Bury Market, Market Square, Bury. Approved with conditions - 29 March 2007

48058 - Provision of security gates and railings to existing outdoor market (resubmission) at

Bury Market, off Market Square, Bury. Approved with conditions - 13 June 2007.

56476 - Demolition of disused toilet block and modification to interchange structure to create a bus-only access onto Angouleme Way and associated works at Bury Interchange, Haymarket Street, Bury. Approved with conditions - 14 August 2013.

57862 - Change of use of land from vacant former PFS site to a temporary coach drop-off facility for Bury Markets, including a new access to the site from Murray Road and a new exit onto Angouleme Way. Surfacing works to create a uniform surface for coach passengers to alight/board at site of former fuel station, junction of Angouleme Way/Murray Road, Bury. Approved with conditions - 9 October 2014.

63318 - Change of use from bank (Class A2) to restaurant (Class A3) with ancillary children's play area on first floor and exterior alterations including 2 no. flues at rear at 51 Market Street, Bury. Approved with conditions - 4 December 2018

64288 - Addition of new curved roof section to the Edward Stall block 'A' at Bury Market, Angouleme Way, Bury. Approved with conditions - 5 September 2019.

69323 - Prior approval for proposed demolition of 3 no. existing buildings and removal of market canopies (enabling works for proposed new Flexi hall and market canopy and associated landscaping and servicing) at Bury Market, Murray Road, Bury. Prior approval required and granted - 2 March 2023.

69580 - 1. Demolition of buildings and erection of flexible events hall with associated servicing, parking and landscaping;
2. New canopy structure to cover existing outdoor market;
3. Temporary permission sought for area of Bury Market car park to be utilised for site cabins for the duration of the build at land and buildings at Murray Road, 2 - 10 Princess Parade, 47 - 51 Market Street & Bury Market, Bury. Approved with conditions - 31 August 2023.

Publicity

None required.

Statutory/Non-Statutory Consultations

None required.

Pre-start Conditions - Not relevant.

Development Plan and Policies

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
EN2/1	Character of Conservation Areas
EN2/2	Conservation Area Control
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
RT3/4	Recreational Routes
RT4/1	Tourism Development
S1/1	Shopping in Bury Town Centre
S2/4	Control of Non-Retail Uses in All Other Areas
S2/6	Food and Drink
S3/4	Markets
HT2/4	Car Parking and New Development
HT4	New Development
HT5/1	Access For Those with Special Needs
HT6/1	Pedestrian and Cyclist Movement
HT6/2	Pedestrian/Vehicular Conflict
CF1/1	Location of New Community Facilities
TC1/1	Open Space in Town Centres
TC1/2	Pedestrian/Vehicular Conflict in Town Centres
TC2/2	Mixed Use Development
Area	Central Shopping Area
BY6	
SPD3	DC Policy Guidance Note 3: Planning Out Crime
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 proposed reduction of the canopy is required as the columns would impact upon the gas and water mains, which pass through the site. In addition, the proposed reduction of the proposed canopy would reflect feedback from a number of traders in that vicinity.

The proposed canopy would be cover this part of the outdoor market and would be constructed from the same materials as previously approved. The proposed canopy would present a traditional roof form with modern materials. As such, the proposed development would not be a prominent feature in the streetscene and would be in accordance with Policy EN1/2 of the Bury Unitary Development Plan.

Impact upon residential amenity - The nearest residential properties would be over 35 metres away and the proposed development would reduce the extent of the canopy. As such, the proposed development would not have a significant adverse impact upon the amenity of the neighbouring properties and would be in accordance with Policy EN1/2 of the Bury Unitary Development Plan.

Impact upon utilities - A water and gas main pass through the site and this was dealt with by a condition on the previous approval, which required the position of the columns to be agreed prior to commencing works. It has not been possible to find a solution and as such, the size of the canopy has been reduced to cover the Edward and Frederick block. Therefore, the proposed development would not have an adverse impact upon the utilities and would be in accordance with Policy EN1/2 of the Bury Unitary Development Plan.

Highways issues - The proposed development would not impact upon the previously approved vehicular and pedestrian access arrangements.

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 69580 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	