

DELEGATED REPORT

Report by Claire Booth	Date of report: 12/06/2023	Ref: 69557/FUL
Registration: 14/04/2023	LDFC: 18/05/2023	Expiry Date: 09/06/2023
Site Visit: 25/05/2023	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: MIOT

Proposal: Alterations to increase the size of 12 No. existing windows on the East, South and West elevations of the ground floor of the Millennium building by lowering the internal and external window sill height

Location: Millennium Centre, Bury College, Market Street, Bury, BL9 0DB

Description

The application site relates to the Millennium Centre that is accessed from Market Street, Bury and is within the campus of Bury College.

Permission is sought to increase the size of 12 No. existing windows at ground floor level on the East, South and West elevations of the Millennium building by lowering the internal and external window sill height. It is proposed to create a more illuminated space for the Back Offices and I.T suites.

Relevant Planning History

52679 - External alterations to form new entrances to a social facility to the Prospect Centre. - Approve with Conditions 21/07/2010

53005 - Proposal to create a new cafe kiosk, tensile canopies and external landscape works - Approve with Conditions 22/09/2010

53594 - Non-material amendment following grant of planning permission 53005:

1. Simplification of landscaping proposals to address DDA issues and reduce the extent of changes in level to the central landscaped area
2. Omission of proposed trees, seats and bollards to central landscaped area
3. Reduction of building footprint and relocation of entrance doors
4. Reduced number of supporting steel columns
5. Reduce height of roof level and angle of roof
6. Omit bris soleil in lieu of solar control glass
7. Increase extent of coloured glass to conceal position of shelving/fridges to kiosk servery - Approve with Conditions 05/05/2011

56165 - Erection of a temporary 3 storey building from 1st July 2013 to 31st July 2014 - Approve with Conditions 03/07/2013

56662 - External Finishes Schedule. Project Name: Bury College Ph9_Enterprise Centre
Client: Bury College Project Number: 012146 This document is to be read in conjunction with Seven Architecture drawings. External PPC aluminium Windows, doors, brise soleil and external louvres L10/ L20: RAL 7016 Anthracite Grey- Satin (60% gloss) Brickwork Generally F10-110a: Weinerberger Kelmsley Yellow with coordinating buff coloured mortar Glassfibre Reinforced Cement Rainscreen Cladding and precast sills F30-720a: GB Architectural Cladding Products Ltd. Product ref: GBA Standard 7 Yorkstone Buff Single Skin Aluminium Rainscreen Cladding to infill panels H92:125: RAL 7016 Anthracite Grey-

Satin (60% gloss) Single Skin Aluminium Rainscreen Cladding to ground floor exposed soffit H92:125: RAL 7016 Anthracite Grey- Satin (60% gloss) Metal composite Roof Cladding Panels (concealed by parapet) H43-121: Kingspan KS1000 TD- Topdek Insulated single ply roof deck with Slate Grey PVC membrane Metal Composite Wall Cladding Panels H43-120a: Kingspan insulated panel KS1000 Optima Ecosafe. Colour: Onyx. Finish: Spectrum PPC Aluminium Coping System F30-780a: RAL 7016 Anthracite Grey- Satin (60% gloss) Frameless Glazed Glass Balustrade System L30-160 No sample supplied. - Withdrawn - Invalid 29/08/2013

57563 - Prior notification of demolition of Peel Theatre, Sports Hall and T-Block situated on Bury College Millennium Campus - Prior Approval Required and Granted, 11/06/2014

57600 - Variation of Condition no.4. of approved planning permission 56165 to retain Section 1 of the temporary portable cabin until 31st December 2015
- Approve with Conditions 16/07/2014

60417 - Erection of temporary single storey building for classroom/training workshop use at Bury College for a 5 year period - Approve with Conditions, 03/10/2016

66318 - Prior approval for proposed demolition of the Design and Print Services building located at Market Street, Bury College, BL9 0BT. It is a free-standing modular unit serving the printing service for Bury College. It is situated adjacent to the Woodbury Centre with shared vehicular and pedestrian access from the site road leading off Market Street. - Prior Approval Required and Granted 14/01/2021

Publicity

The proposals have been advertised by Site Notice and on the Council's website.

No representations have been received to this public consultation.

Statutory/Non-Statutory Consultations

Not applicable.

Pre-start Conditions - Not relevant.

Unitary Development Plan and Policies

CF2	Education Land and Buildings
CF2/1	Bury College
CF1/1	Location of New Community Facilities
EN1/2	Townscape and Built Design
EN1/3	Landscaping Provision
EN1/5	Crime Prevention
HT4	New Development
EN1/6	Public Art
EN1/7	Throughroutes and Gateways
EN2/3	Listed Buildings
EN7	Pollution Control
EN7/2	Noise Pollution
EN8/2	Woodland and Tree Planting
OL3/1	Protection of Urban Open Space
RT2/3	Education Recreation Facilities
HT2/4	Car Parking and New Development
HT5/1	Access For Those with Special Needs
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) and 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 Policy 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.

Issues and Analysis

Principle

UDP Policy CF2 advises that in principle the Council, where appropriate, will support proposals for the improvement and dual use of education facilities. The proposals put forward are as they will result in the school being able to use the ground floor of the building for teaching space therefore improving the use of this college building and is therefore acceptable in principle.

Design and Visual Amenity

UDP Policy CF1/1, amongst other things, requires the impact of proposals on the local

environment to be considered. UDP Policy EN1/2 concerns itself with the design of developments and their impacts on townscape with Policy and Policy EN1/1 seeking development that would not have a detrimental impact on visual amenity.

The proposals relate to three of the buildings 4 elevations at ground (lower ground floor) level - the area where windows are proposed to be enlarged are located below the level of Market Street. The building is designed so that the lowest level of the building is brick with the metal grey cladding for the rest of the building positioned above.

The lower half of the front elevation of the building is primarily seen from the walkway into the building from Market Street, with the lower level of the building only being properly seen from within the campus of the college due to the planting and boundary fencing present along the length of Market Street.

Overall, the proposals are considered to be sympathetic in terms of their design and window proportions with the fenestration and design of the host building and would therefore not harm the appearance of the host building or visual amenity. Therefore the proposals accord with policies CF1/1 and EN1/2 of the UDP.

Residential Amenity

The nearest residential properties are located approximately 85m to the to the north-west of the Millennium Centre on the opposite side of the East Lancashire Railway line.

As the alterations relate to the lower levels of the building and would only slightly enlarge existing windows. Given the separation distance between the application site and the nearest residents, the impact on the amenity of the nearby residents, would be minimal. The proposals are thus considered to be acceptable in this regard.

Conclusions

For all of the above reasons, the proposals are considered to be acceptable and thus it is recommended that planning permission be granted.

Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015

The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. 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 permission relates to the following plans:

Dwg. no. 223 Rev. 01: Site Location Plan;
Dwg. ref: Site Block Plan;
Dwg. ref: Ground Floor Level 1;
Dwg. ref: East Elevation;

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Dwg. ref: South Elevation; and,
Dwg. ref: West Elevation.

Except as provided for by other conditions to this permission, the development shall be carried out in complete accordance with the approved drawings.

Reason: For the avoidance of doubt and to ensure a satisfactory standard of development in accordance with the policies contained within the Bury Unitary Development Plan and the National Planning Policy Framework.

- 3 The external finishing materials for the proposal hereby approved shall match those of the existing building.

Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
CB - 08/06/2023		HL 12/06/23	