

DELEGATED REPORT

Report by Claire Booth	Date of report: 19/07/2024	Ref: 70733/FUL
Registration: 07/05/2024	LDFC: 05/06/2024	Expiry Date: 02/07/2024
Site Visit: 17/05/2024	Site Notice: 17/06/2024	Press Date: N/A
Objections:	Con Area: N/A	Adv Type: PI
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MIOT

Proposal: Erection of temporary timber hoarding/access gates around perimeter of the front entrance (maximum height of 2.4 metres)

Location: Bury College Woodbury Centre, Market Street, Bury, BL9 0BG

Description

The application relates to the Woodbury Centre, a striking Edwardian/ Baroque revival primarily red brick building located on the junction of Market Street with Angouleme Way. The Woodbury Centre is part of the Bury College campus and is used for education purposes.

To facilitate the proposed new entrance to the Market Street elevation of the Woodbury Centre which fronts onto Angouleme Way, approved by application no. 70295, planning permission is sought to erect site hoarding against the boundary of this Bury College building to enable the necessary construction works to take place safely. The hoarding proposed would be in situ during the construction period of the new glazed entrance which is envisaged to be completed by the 30/09/2025.

The proposed hoarding would be approximately 2.4 metres in height and would extend between the two historic entrances, the stone Portico's located on the Market Street elevation of the Woodbury Centre.

The applicant is keen to utilise the fencing as a potential advertising for the project and as such an advertisement consent 70734 is also being considered in tandem with this application.

Relevant Planning History

70295 - Proposed new glazed entrance enclosure to form principal entrance, alteration of existing window openings, closure of vehicular access, and provision of new public realm including wheelchair accessible route - Approved with Conditions, 26/01/2024.

70734 - Non-illuminated vinyl banners to temporary timber hoarding - Under consideration.

Publicity

The application has been advertised by Site Notice on the 17 May 2024.

No representations have been received.

Statutory/Non-Statutory Consultations

Traffic Section/ LHA - Initially raised objections as the proposed hoarding and access gates would have encroached onto the adopted highway. They requested the proposals be amended to address these concerns and subsequently have withdrawn their objection and confirmed they are satisfied with the amended proposals.

Conservation Officer - No objections as the proposed hoarding will only be temporary.

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

Development Plan and Policies

Area	Townside/Market Street
BY7	
CF2/1	Bury College
EN1/2	Townscape and Built Design
EN1/7	Throughroutes and Gateways
HT6/1	Pedestrian and Cyclist Movement
HT6/2	Pedestrian/Vehicular Conflict
JP-C1	Our Integrated Network
JP-C4	Strategic Road Network
JP-C6	Walking and Cycling
JP-P2	Heritage
JP-P5	Education, Skills and Knowledge
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, Layout and Visual Amenity

The Woodbury Centre is located on a main junction and through route at the edge of Bury town centre. It is in a prominent position and highly visible at the Market Street and Angouleme Way junction. The proposed hoarding would be positioned along part of the side/ Market Street elevation of the building.

The proposed hoarding is considered to be of a suitable scale in relation to the Woodbury Centre and its effect on the street scene.. Whilst the hoarding would have some prominence in the street scene due to its location close to the busy junction with Angouleme Way, the proposal is not dissimilar to the hoarding that could be constructed under permitted development rights for building projects. Due to the mixed use nature of the area, within close proximity of the town centre, the introduction of a 2 metre high hoarding is considered to be acceptable as, due to its temporary nature during the construction period, it would not have a detrimental impact on the character of the street and the general visual amenity of the area. The proposal therefore complies with UDP Policies EN1/9, EN1/7 and EN1/2 and the NPPF.

Impact on a non-designated Heritage Asset

The Woodbury Centre is clearly a prominent focal building on a main route into the Town Centre and is considered to be a non-designated heritage asset.

Whilst the proposed hoarding would obscure the lowest part of the striking Edwardian/ Baroque revival with neo-classical references elevation, the proposed hoarding would only be in place during the construction period of the new glazed entrance, approved by application no. 70295. As the Hoarding would only be in place temporarily for safety reasons the proposal would cause no long term damage to this locally important building.

Bury College has advised that the College's envisaged timescale for construction of the new entrance is from 21.10.2024 to 30.09.2025. The consent for the hoarding will therefore cover this timeframe, with the addition of an additional month, to offer some leeway in case of any unseen construction issues.

Highway Safety

UDP Policies EN1/2 and HT6/3 seek to ensure adequate access, and to reduce pedestrian/vehicular conflict following development.

The Council's Highways section initially raised objections as the proposed hoarding and access gates would have encroached onto the adopted highway, close to its junction with Angouleme Way, to the detriment of pedestrian and cyclists safety. The Council's Highway Officers requested the proposals be amended to address these concerns.

The proposals have thus been amended to set the proposed hoarding on to land owned by Bury College so the hoarding would no longer encroach onto the adopted highway and

minimise the width of the pavement/ adopted highway. These amendments ensure that pedestrians and cyclists would continue to have the same route along the pavement and the cycle route so they are protected from vehicular traffic which use Market Lane and this busy road junction.

The Council's Highways Section have requested that any approval is subject to a pre-commencement condition requiring:

- A Photographical dilapidation survey of the footways and carriageways abutting the site in the event that subsequent remedial works are required following erection of the site hoarding and works to the site boundary;
- Confirmation that the hoarding will be a minimum of 2.4 metres in height, incorporate inward opening gates and have a smooth finish with no protruding parts;
- Hoarding support and foundation details confirming that no further encroachment of the adopted highway will occur than indicated and as dimensioned on the approved plans and that the structure, through the form of an appropriate assessment, will be able to withstand high winds and will be regularly inspected by the applicant/appropriate nominated contractor. This has been secured by planning condition.

Conclusion

Overall, the proposed hoarding would be for a temporary period only and as a result of the revised proposal would cause no harm to the safety of pedestrians and cyclists and general highway safety, nor would it cause undue harm to visual amenity and the appearance of the Woodbury Centre, a non-designated heritage asset. The proposal thus accords with the relevant policies of the UDP, PfE Joint Development Plan, and the National Planning Policy Framework.

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 Permission is hereby granted for a limited period only, namely for a period expiring on the 30.10.2025, and the building, works and use comprising the development for which permission is hereby granted are required to be respectively removed and discontinued at the end of the said period and the land reinstated to its former condition unless a valid application is received by the Local Planning Authority for its retention.

Reason. The development is of a temporary nature only.

- 2 This permission relates to the following plans:

Drawing - Site Location Plan; and,
Drawing no. 584_02 Rev. A - Proposed Main Road Hoarding Plan & Elevation Extra Elevation Plan [including Proposed Site Plan].

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

3 Notwithstanding the details indicated on the approved plans, no development shall commence unless and until the application for the necessary permit for the proposed timber hoarding that is sited on the adopted highway has been submitted to and approved in writing by the Local Planning Authority. The application shall incorporate full details of the following and be submitted on a topographical survey of the site and adjacent adopted highways:

- Photographical dilapidation survey of the footways and carriageways abutting the site in the event that subsequent remedial works are required following erection of the site hoarding and works to the site boundary;
- Confirmation that the hoarding will be a minimum of 2.4 metres in height, incorporate inward opening gates and have a smooth finish with no protruding parts;
- Hoarding support and foundation details confirming that no further encroachment of the adopted highway will occur than indicated and as dimensioned on the approved plans and that the structure, through the form of an appropriate assessment, will be able to withstand high winds and will be regularly inspected by the applicant/appropriate nominated contractor.

The approved details shall be adhered to throughout the consented period of the new glazed entrance. All highway remedial works identified as a result of the dilapidation survey both as a result of the erection of the hoarding and its subsequent removal shall be implemented to a programme to be first agreed and approved in writing with the Local Planning Authority.

Reason: To secure the satisfactory development of the site in terms of highway safety, ensure good highway design and maintain the integrity of the adopted highway, in the interests of highway safety, in accordance with Policy HT6/1- Pedestrian and Cyclist Movement and Policy HT6/2 - Pedestrian/ Vehicular Conflict of the Bury Unitary Development Plan and Policy JP-C8: Transport Requirements of New Development and the National Planning Policy Framework.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
CB -	19/07/2024	HL -	19/07/2024