

DELEGATED REPORT

Report by Jennie Townsend	Date of report: 16/05/2024	Ref: 70642/FUL
Registration: 11/04/2024	LDfC: 10/05/2024	Expiry Date: 06/06/2024
Site Visit: 18/04/2024	Site Notice: 18/04/2024	Press Date: 18/04/2024
Objections: 0	Con Area: BURY	Adv Type: LBCA
Reason for Delay: N/A		EIA: NA Dec Level: DEL Stat Class: MIOT

Proposal: Erection of additional condenser on the rear elevation

Location: The Art Picture House, Haymarket Street, Bury, BL9 0AY

Description

The application site is a Grade II listed former 1920s built cinema, sited within Bury town centre conservation area. A brick clad steel frame construction with a faience frontage to Haymarket Street. The rear elevation is of brick construction with white glazed brick above half way.

It is considered to be one of the most elaborate and complete examples of early 1920s cinema in England. Its built heritage significance is derived in part from the historic and architectural completeness of its interior and the architectural interest of its front façade. The surrounding land use is commercial/civil with offices, Textile Hall, The Athenaeum Club and the Library being the adjacent premises.

The application is for a single condenser unit to the rear elevation below the level of the glazed brickwork sitting just below a group of three first floor windows at a height of 3.30m above external ground level, adjacent to an existing cluster of four small condenser units.

The size of the unit would be approximately 800mm x 500mm. The unit would serve the upgraded internal staff area. The rear elevation where the unit would be sited fronts Back Knowsley Street, facing the side elevations of Textile Hall and the Library.

Relevant Planning History

51714 - Listed building consent for internal refurbishment and repairs; repair and maintenance to external elevation including new signs - retrospective - Refused 13/11/2009
51760 - Replacement signage including externally illuminated fascia sign and one externally illuminated projecting sign - Approve with Conditions 22/10/2009
51761 - Change of use to drinking establishment (Class A4) - Approve with Conditions 05/11/2009
52528 - Listed building consent: Redecorate the existing fascia to Haymarket Street; Fix a dress curtain to the existing bulkhead within the proscenium arch; Remove the full height screen across the first floor balcony; Redecorate and repair the existing ceiling; Enclose the existing heating plant and existing associated ductwork - Approve with Conditions 04/08/2010
57863 - Installation and relocation of external extraction fan and duct riser at the rear - Approve with Conditions 13/10/2014
57864 - Listed building consent for installation and relocation of external extraction fan and duct riser at the rear - Approve with Conditions 10/10/2014
70639 - Listed building consent to create four staff WC/changing cubicles in an undeveloped space on the first floor from new stud walls and the refurbishment of the existing staff room; Addition of a condenser to the rear elevation - Current application

Publicity

DELEGATED REPORT

Letters sent on 15/4/24 to 7 properties.
Site notice posted 18/4/24.
Press advert 18/4/24.

No formal responses received a result of the publicity.

Statutory/Non-Statutory Consultations

Conservation Officer - No objection

Environmental Health - Pollution Control - No comments to make

Listed buildings - National Amenity Societies - Comments received will be reported in the Listed Building Consent application ref 70639

National Theatre's Trust - Comments received will be reported in the Listed Building Consent application

Pre-start Conditions - Not relevant

Development Plan and Policies

NPPF	National Planning Policy Framework
EN1/2	Townscape and Built Design
EN2/1	Character of Conservation Areas
EN2/2	Conservation Area Control
EN2/3	Listed Buildings
EN7/2	Noise Pollution
Area	Bolton Street/Market Place
BY3	
JP-S2	Carbon and Energy
JP-C2	Digital Connectivity
JP-P2	Heritage

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.

Siting and impact

The rear of the building is accessed via Back Knowsley Street which is a narrow alleyway and not well used in terms of pedestrian footfall or vehicular usage. The proposed unit and those already installed are not of a large size set against the size of the building, in an area that would not be widely visible from public views. As such the proposal would not have a detrimental impact on the visual amenity of the area nor a detrimental cumulative impact on visual amenity.

The site is within Bury town centre conservation area and located on the rear the proposed unit would not impact on the main street scene or more sensitive areas of the conservation area. As such the proposal would not represent less than substantial harm and as such would preserve the character of the conservation area as required by Section 72 of the Planning (Listed Building & Conservation Areas) Act 1990. The impact of the proposal on the listed building will be assessed under application 70639.

The proposal would therefore comply with UDP Policies EN2/1 - Character of Conservation Areas, EN2/2 - Conservation Area Control and EN1/2 - Townscape and Built Design and EN1/1 - Visual Amenity and paragraphs 203, 205, 207, 208 of the National Planning Policy Framework and Greater Manchester Combined Authority - Joint Plan JP-P2.

Carbon and energy

The project will get building regulations sign-off, ensuring that the works will be compliant with Part L, Volume 2.

Digital connectivity

There is a plan to move the venue to the new fibre network within the next 12 months, as part of a nationwide rollout. Free, secure, high speed wi-fi connections are present and available to all customers.

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

DELEGATED REPORT

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 decision relates to drawings numbered -
Red edge site location plan received 2/4/24
Proposed site plan PN6264-07 AP01
Existing rear and side elevations PN6264-07 AS05
Proposed rear and side elevations PN6264-07 AV01-A
Design and Access Statement dated 28.03.24
Places for Everyone Statement 29.04.24
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.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JT	16/5/24		