

DELEGATED REPORT

Report by Dean Clapworthy	Date of report: 04/04/2024	Ref: 70541/NON
Registration: 12/03/2024	LDFC:	Expiry Date: 09/04/2024
Site Visit: 03/01/2024	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 69388 for omission of balcony on east elevation of Market Chambers building and addition of plant screen to screen Air Handling Unit equipment

Location: 13-21 Blackburn Street, Radcliffe, Manchester, M26 1NN

Description

Extant planning permission 69388 is for the demolition of 13-21 Blackburn Street/TSB Bank and the erection of a three-storey, 15m high civic hub building containing swimming pools, fitness suites and studios, indoor climbing facility, offices, cafeteria and library; Link block between Radcliffe Market and Market Chambers buildings (following demolition of the former TSB Bank building), plus refurbishment of Market Chambers and Market Hall basement, for use as a multi-use event space and for the relocation of retail units, with associated external alterations and works and hard and soft landscaping.

The proposal is for a non-material amendment to omit the balcony on east elevation of Market Chambers building and the addition of Air Handling Unit equipment and plant screen to the roof of the Market building.

Relevant Planning History

69388: Demolition of 13-21 Blackburn Street/TSB Bank and erection of three-storey civic hub building containing swimming pools, fitness suites and studios, indoor climbing facility, offices, cafeteria and library; Link block between Radcliffe Market and Market Chambers buildings, plus refurbishment of Market Chambers and Market Hall basement, for use as a multi-use event space, with associated external alterations and works and hard and soft landscaping. Approved 25/07/2023

Publicity

N/A

Statutory/Non-Statutory Consultations

N/A

Pre-start Conditions - Not relevant

Unitary Development Plan and Policies

NPPF	National Planning Policy Framework
EN1	Built Environment
EN1/1	Visual Amenity
EN1/2	Townscape and Built Design
EN5	Flood Protection and Defence
EN5/1	New Development and Flood Risk
EN6	Conservation of the Natural Environment

EN6/3	Features of Ecological Value
EN6/4	Wildlife Links and Corridors
EN7	Pollution Control
EN10/2	Riverside and Canalside Improvement in Urban Areas

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.

ASSESSMENT

Given the nature and extent of the proposed non-material amendment the assessment is limited to impacts on visual amenity, the historic environment, flood risk, ecological interests and amenity.

Impact on visual amenity

The previously approved projecting balcony to the Market Hall to the River Irwell elevation (east elevation) would have been a new intervention and feature. It's omission simply retains the status quo (with the additional new window openings retained). The balustrade be reduced to the remaining outdoor seating area and would be set back to align the existing elevation.

The additional roof top air handling plant would be set upon the lowest section of the Market Hall roof closest to the eastern elevation of the building. As this element would be exposed to views across to the east elevation from the Blackburn Street bridge over the River Irwell and the opposing open space, it would be screened by a grey panel screen (to the east and north). The plant screen would be framed by grey standing seam roof covering which would therefore allow easy visual assimilation.

Due to the set back of the plant from the west elevation of the building and the partial overlap of the new link building, the roof top plant would not be visible from the west.

Impact on the historic environment

For the above reasons, the proposal would not have any unacceptable impacts on the significance of historic assets.

Flood Risk and Drainage

Condition 12 requires that the balcony be constructed without props and that no part of the supporting structure fall below the design flood level of 1% AEP + allowance for climate change. Given this requirement, this element of the scheme has been omitted.

Ecology

The remaining outdoor seating area would remain to be subject to condition 13 requiring agreement of external lighting in order to ensure that no harm is caused to protected species.

Amenity

Given that sensitive receptors do not bound or fall close to the site, the roof top plant would not have any unacceptable impacts upon amenity.

Conclusion

Section 96A of the Town and Country Planning Act 1990 states that, 'A local planning authority may make a change to any planning permission, or any permission in principle (granted following an application to the authority), relating to land in their area if they are satisfied that the change is not material.'

The assessment of the proposed development above clarifies that the proposed change would not be material as it would not impact upon the visual amenity, the appearance and character of historic assets, flood risk, ecology or residential amenity. As such, the proposed development constitutes a non-material amendment.

Recommendation: Approve

Conditions and Reasons:

The proposed amendment would not affect the appearance of the originally

approved scheme and there would be no adverse impacts on the appearance of the building or the street scene, historic assets, flood risk, ecological interests or upon neighbouring amenity. The development would still be in accordance with the principles of the planning permission reference 69388 and the policies against which it was approved.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
DSC	04/04/2024	DM	05/04/2024