

DELEGATED REPORT

Report by Mark Kilby	Date of report: 17/11/2022	Ref: 68853/FUL
Registration: 28/09/2022	LDFC: 20/10/2022	Expiry Date: 23/11/2022
Site Visit: 16/11/2022	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MIOT

Proposal: Refurbishment to ground, first, second and third floor office space including ground floor windows and new entrance

Location: St Johns House, 155-163 The Rock, Bury, BL9 0ND

Description

The application site is a three storey with roof space purpose built offices on the junction of The Rock and John Street. The building is of a traditional brick design with traditional style fenestration and proportions to the upper floors. The ground floor elevation fronting John Street has two large boarded up window openings. The ground floor elevation fronting The Rock has three large boarded up window openings.

The application proposes to open up both window openings to the John Street elevation and the right hand window opening to The Rock elevation. The John Street openings would be fully glazed with aluminium frames coloured grey to match the existing. The Rock elevation would also be fully glazed with aluminium frames colour grey and would also include an integral door opening.

For the avoidance of doubt the proposed internal refurbishments do not require planning permission.

Relevant Planning History

02749/E - Refurbishment to ground, first, second and third floor office space including ground floor windows and new entrance - Enquiry completed 26/08/2022.

Publicity

Letter to nearby addresses dated 28/9/22. No objections or comments received.

Statutory/Non-Statutory Consultations - None.

Pre-start Conditions - None.

Unitary Development Plan and Policies

EN1	Built Environment
EN1/1	Visual Amenity
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.

Visual Amenity - The current situation with the ground floor elevations represents a dead frontage and also suggests a hint of dereliction or disuse at eye level. As such there is a detrimental impact on the visual amenity of that part of the building and the street scene.

The proposal, whilst not including all five window openings, represents an improvement to the visual amenity of that part of the building and the street scene introducing a more active frontage and visual improvement. The proposed colour, design and materials for the new windows are considered to be acceptable. As such the proposal would comply with adopted UDP policy EN1/1 - Visual Amenity.

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

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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 001-170, 000ELE, 001-ELEB 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>
Mark Kilby	17/11/22		