

DELEGATED REPORT

Report by Jennie Townsend	Date of report: 04/05/2022	Ref: 68130/LBC
Registration: 14/03/2022	LDFC: 14/04/2022	Expiry Date: 09/05/2022
Site Visit: 25/03/2022	Site Notice: 25/03/2022	Press Date: 24/03/2022
Objections: 0	Con Area: HOLC	Adv Type: LBCA
Reason for Delay: N/A		EIA: NA Dec Level: DEL Stat Class: OTHS

Proposal: Listed Building Consent for installation of wrought iron handrail to external entrance steps

Location: 26-30 Holcombe Village, Ramsbottom, Bury, BL8 4LZ

Description

The site comprises a dwellinghouse which is part of a group of split level 2/3 storey stone built residential dwellings. The property is Grade II Listed and also within the Holcombe Conservation Area where an Article 4 Direction is in place.

The application seeks Listed Building Consent for the installation of a handrail to the external entrance steps which are located on the side (south) elevation of the dwelling. The handrail would be formed of wrought iron and of a railing type design. It would be attached to the gable wall by a wrought iron angle bracket and screw fixings.

The railings are required to aid safe access to the dwelling.

Relevant Planning History

64919 - Replacement of existing gutters and downpipes - Approve with Conditions 24/02/2020

64920 - Listed building consent for replacement of existing gutters and downpipes - Approve with Conditions 24/02/2020

68132 - Installation of handrail to external entrance steps - Concurrent application

Publicity

Letters sent on 18/3/22 to 11 properties.

Site notice posted 25/3/22

Press advert 24/3/22

No responses received.

Statutory/Non-Statutory Consultations

Conservation Officer - No objection

Pre-start Conditions - Not relevant

Unitary 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
EN9/1	Special Landscape Areas
H2/3	Extensions and Alterations

HT5/1 Access For Those with Special Needs
OL1 Green Belt
OL7/2 West Pennine Moors

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.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities in the exercise of their planning functions to have regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a duty upon Local Planning Authorities that when considering development in such areas there is a desirability to preserve or enhance such designated areas.

Policies 194 and 195 of the NPPF states that local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.

Policy 197 of the NPPF sets out the principles guiding the determination of applications for consent relating to heritage assets. This should take account of the desirability of sustaining and enhancing significance, the positive contribution that conservation of heritage assets can make to the establishment of sustainable communities and economic vitality and the desirability of new development making a positive contribution to local character and distinctiveness.

EN2/1 - Character of Conservation Areas and EN2/2 - Conservation Area Control policies only support proposals where it can be demonstrated that development would preserve or enhance the special character of the area.

EN2/3 - Listed Buildings - The Council will actively safeguard the character and setting of Listed Buildings by not permitting works, alterations or changes of use which would have a detrimental effect on their historical or architectural character and features. Consideration will be given to the impact of the proposal on the historic fabric of the building

The proposed handrail would be a modest and relatively simple addition to the externality of the dwelling and would be of a traditional design and appearance which is considered to be acceptable within the historic setting.

The entrance to the dwelling is set back within the site and it is considered that the proposed handrail would not introduce a dominant or prominent addition to the Listed Building.

A Heritage Statement has been submitted with the application. It is considered that the Heritage Statement is proportionate to the application proposals and has satisfied the requirements of the NPPF.

The Conservation Officer has raised no objection to the proposed development.

It is therefore considered the proposed development would not have a detrimental impact to the special character or fabric of the Listed Building and would comply with policies EN2/1, EN2/2 and the principles of the NPPF.

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:

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- 1 The development must be begun not later than the expiration of three years beginning with the date of this permission.
Reason - Required to be imposed pursuant to Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 2 This decision relates to drawings - Site location plan 19-572/01; Proposed site plan 22/621.11; Scheme proposal - elevations and layout 22/621.01 (A) 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.
- 3 The railings hereby approved shall be finished in a black colour and thereafter maintained as such.
Reason. In the interests of visual amenity pursuant to Bury Unitary Development Plan Policies EN1/1 - Visual Amenity, EN2/3 - Listed Buildings and the principles of the NPPF.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JT 4/5/22			