

DELEGATED REPORT

Report by Helen Pressley	Date of report: 23/05/2024	Ref: 70654/FUL
Registration: 08/04/2024	LDfC: 17/05/2024	Expiry Date: 03/06/2024
Site Visit: 25/04/2024	Site Notice: 25/04/2024	Press Date: 25/04/2024
Objections: 0	Con Area: RAMS	Adv Type: CAAF
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MIOT

Proposal: Replacement of existing timber shop front with hybrid timber and new aluminium shop front and stone stall riser

Location: 44 Bridge Street, Ramsbottom, Bury, BL0 9AQ

Description

The application relates to a terraced shop located on Bridge Street. The premises is built up to the back of the pavement, with a shop front at ground floor. The existing shopfront is timber. The premises is located within Ramsbottom Conservation Area.

Planning permission is sought for the removal of the existing shop front and for the construction of a new shop front. The proposal seeks to centralise the entrance door, replace the timber stall riser with a stone stall riser and construct hybrid aluminium and timber window frames.

Relevant Planning History

53550 - First floor extension at rear; Change of use of first floor from store to self contained flat - Refused 14/06/2011

55271 - First floor extension at rear; Change of use of first floor from store to self contained flat (re submission) - Withdrawn - Invalid 18/10/2012

66417 - First floor extension at rear - Approve with Conditions 19/04/2021

69628 - Replacement of existing timber shop front with new aluminium shop front and stone stall riser - Refused 04/08/2023

Publicity

Letters sent to neighbour properties 16/04/2024

Site notice 25/04/2024

Press Notice 25/04/2024

No representations received.

Statutory/Non-Statutory Consultations

Conservation Officer - no objections raised subject to condition in relation to samples of stone and window frames.

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

Development Plan and Policies

EN2/1 Character of Conservation Areas

EN2/2 Conservation Area Control

S1/2 Shopping in Other Town Centres

S2/2	Prime Shopping Areas and Frontages
Area	Bolton Street/Bridge Street
RM3	
EN1/8	Shop Fronts
JP-S2	Carbon and Energy
EN1/2	Townscape and Built Design

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.

Policy

As the site is located within Ramsbottom Conservation Area it is necessary to consider the proposal in terms of UDP Policies EN2/1 - Character of Conservation Areas and EN2/2 - Conservation Area Control that seek to preserve and enhance the special character or appearance of an area and the Town and Country Planning Listed Building and Conservation Act. Section 72 of The Planning (Listed Buildings and Conservation Areas) Act 1990 requires local planning authorities to give special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.

Paragraph 205 of the National Planning Policy Framework (NPPF) requires that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 208 of the NPPF states where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

In addition to the Conservation Area considerations Policy EN1/2 seeks to ensure that proposals do not have an adverse effect on the particular character and townscape of the Borough's towns, villages and other settlements. Policy EN1/8 further seeks to ensure that proposes for new and altered shop front properly respect the architectural elements of the building and the character of the surrounding street scene.

Visual Amenity and Impact on Conservation Area

The town centre is characterised by dense development, with the commercial buildings on Bridge Street being built up to the back of the pavement. The small shop character within this row is a key element of what defines the character of the Conservation Area and as such this needs to be retained, or restored when possible. The application site, and adjacent shops, are listed within the Ramsbottom Conservation Area Management Plan as a significant building that contributes to the character of the conservation area. The row of shops is identified as 1820s/1830s, good 2-storey block of shops, formerly known as Dungeon Row, and includes 46 Bridge Street, with a 19th century style shop front. The existing shop front however has fallen into a poor state of repair, detracting from the character of the street scene.

The introduction of a stone stall riser reflects the style and materials of other shop fronts along Bridge Street and is therefore considered to be acceptable. The retention, and repair of the existing timber pilaster, including the replacement of the timber plinths, is welcomed and would help to maintain the rhythm and character of the row. The retention of the area proposed for signage is also considered to be acceptable and would not dominate the frontage of the premises. The gap retained between the cill of the first floor window and the top of the signage area replicates the rhythm of the existing fascia signs of the neighbouring shops and as such is considered to be in keeping with the area.

The proposal seeks to use a hybrid aluminium and timber window system. Aluminium on its own would be incongruous to the setting of the Conservation Area. Timber however does not provide the required minimum-security rating for the proposed shops end-use; and an alternative approach is required to achieve this minimum-security requirement, whilst maintaining the timber elements to the front of the shop. The use of timber for the door, and painted hardwood timber sacrificial window frames would replicate the materials used within the wider conservation area and would therefore be acceptable.

The submitted Planning Statement has considered the significance of the Conservation

Area, and the impact of the existing site and provided a review of the impacts of the proposal on this heritage asset. The heritage impact assessment concludes that overall, the proposal would have a neutral impact on the Conservation Area and would result in no harm to the significance of the Conservation Area.

As this hybrid approach has not been utilised previously within the Conservation Area, a sample will be required prior to commencement of development. Similarly a sample will be required for the stone proposed to be used for the stallriser.

Given the matters set out above, it is considered that the proposal would preserve the character and appearance of the Conservation Area and would therefore comply with UDP Policies EN2/1, EN2/2, EN1/2, EN1/8 and the NPPF.

Carbon and Energy

Policy JP-S2 sets out the steps required to achieve net zero carbon emissions.

The applicant has confirmed that the existing single glazed windows have a U value of between 4.8 - 5.8W/m²K. With regards to the replacement windows they will comply with table 4.1 of the Approved Document Part L of Building Regulations. As such the proposal would comply with the above policy

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 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 069 (01) 000 Rev B, 069 (01) 001 Rev B, 069 (02) 002 Rev B, 069 (02) 003 Rev B, 069 (02) 004 Rev B, 069 (31) 011 Rev A, 069 (02) 005 Rev B, 069 (05) 006 Rev C, 069 (07) 008 Rev C, 069 (05) 007 Rev C, 069 (31) 009 Rev C, 069 (31) 010 Rev B and supporting documents Planning Statement inc. Heritage Impact Assessment April 2024, Energy Statement 2nd May 2024 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 Any new stone used on the external elevations shall match the existing in colour, texture, block size and coursing. Samples of the stone to be used shall be submitted to and approved in writing by the Local Planning Authority before work commences.
Reason. No material samples have been submitted and are required in the interests of visual amenity and to preserve the significance of the Conservation Area pursuant to UDP Policies EN2/1 - and EN2/2 - Conservation Area Control and the National

Planning Policy Framework.

- 4 Samples of the painted hardwood timber sacrificial window frame together with details of their manufacturer and colour shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced. Only the approved window frames shall be used for the construction of the development.
Reason. No material samples have been submitted and are required in the interests of visual amenity and to preserve the significance of the Conservation Area pursuant to UDP Policies EN2/1 - and EN2/2 - Conservation Area Control and the National Planning Policy Framework.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
HP 23/05/2024			