

DELEGATED REPORT

Report by Helen Pressley	Date of report: 30/01/2025	Ref: 71172/FUL
Registration: 10/12/2024	LDFC: 15/01/2025	Expiry Date: 04/02/2025
Site Visit: 19/12/2024	Site Notice: 19/12/2024	Press Date: 19/12/2024
Objections: 0	Con Area: RAMS	Adv Type: LBCA
Reason for Delay: N/A		EIA: NA Dec Level: DEL Stat Class: MIDW

Proposal: Variation of condition 2 (approved plans) and 4 (approved materials) following approval of planning permission 69996 to reposition single storey rear extensions at the Smithy and allow the rear elevation of The Forge to be constructed in red brick

Location: The Smithy and 10-14 Paradise Street, Ramsbottom, Bury, BL0 9BS

Description

The application relates to 2 workshops with a flat above, which are located on Paradise Street. The units are currently in use as a car repair garage and there are a series of single storey outbuildings at the rear. The existing building is two storeys and is constructed from stone with a slate roof.

The site is surrounded by a mix of uses. There is an electricity substation and residential properties to the west and commercial and residential properties to the south. The commercial units to the north, have recently been converted to residential dwellings. There are residential properties to the east, but these are at a significantly lower level than the application site.

Planning permission is sought for the conversion of the existing building to 2no. flats and 3no. dwellings. The proposal seeks alterations to the front elevation with the introduction of doors, windows and timber detailing at ground floor and replacement windows at first floor. To the rear it is proposed to construct single storey rear extensions, as well as amend the layout of the first floor window arrangements. The proposal also proposes a new roof for the building and raising the eaves height of the existing property.

The proposed development would be accessed from Paradise Street and would not provide any off-road parking.

Permission is sought for Variation of condition 2 (approved plans) and 4 (approved materials) following approval of planning permission 69996 to reposition single storey rear extensions at the Smithy. This would include an increased footprint for the single storey rear extension, extending it approximately 450 mm further to the rear and 3000mm to the side. The proposal also seeks to allow the rear elevation of The Forge (first floor) to be constructed in red brick rather than stone.

Relevant Planning History

65478 - Demolition of existing outbuildings and part retaining wall to rear; Conversion of 10-14 Paradise Street from 1 no. dwelling/workshop to 3 no.dwellings and conversion of The Smithy from workshop to 2 no. flats with single storey rear extensions, first floor balconies above (10-14 Paradise Street), new roofs with raising of eaves height at front and rear dormers to form second floor and replacement windows - Refused 28/05/2021

69996 - Conversion of 1no. dwelling and workshop to 2no. flats and 3no. dwellings with single storey rear extension, new roof with raised eaves and replacement windows.

Publicity

Letters sent to neighbouring properties 16/12/2024

Site notice 19/12/2024

Press Notice 19/12/2024

No representations received.

Statutory/Non-Statutory Consultations

Conservation Officer - No objections raised.

Pre-start Conditions - Agent has agreed to pre-start conditions.

Development Plan and Policies

EC2/2	Employment Land and Premises
H1/2	Further Housing Development
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
EN1/2	Townscape and Built Design
EN2/1	Character of Conservation Areas
EN2/2	Conservation Area Control
EN2/3	Listed Buildings
EN6/3	Features of Ecological Value
EN7/2	Noise Pollution
EN7/5	Waste Water Management
HT2/4	Car Parking and New Development
JP-P1	Sustainable Places
JP-P2	Heritage
JP-H3	Type, Size and Design of New Housing
JP-H4	Density of New Housing
JP-G8	A Net Enhancement of Biodiversity and Geodiversity
JP-S4	Flood Risk and the Water Environment
JP-C5	Streets For All
JP-C6	Walking and Cycling
Area	St Paul's/Crow Lane
RM2	
SPD6	Supplementary Planning Document 6: Alterations & Extensions
SPD11	Parking Standards in Bury
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), 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.

Principle (Residential)

The principle of residential development on this site has already been established by the granting of application 70070.

Impact on Conservation Area

As the site is located within Ramsbottom Conservation Area it is necessary to consider the proposal in terms of the Town and Country Planning Listed Building and Conservation Act. In this regard proposals should either preserve or enhance the Conservation Area and in terms of policy consideration National Planning Policy Framework and Policies EN2/1 - Character of Conservation Areas and EN2/2 - Conservation Area Control of the UDP.

As set out in the original application is considered that the rear first floor should not be rendered and a condition was attached to ensure that the rear elevations were constructed from stone. The applicant seeks to construct the rear first floor elevation of the property known as The Forge in red brick rather than stone.

The existing first floor of this particular elevation is constructed from red brick and as such it is considered that the use of this material, in this limited area of the rear elevation would preserve the character and appearance of the Conservation Area in accordance with the Policy considerations set out above.

Layout and Design

The single storey rear extension required amendments following the discovery of a well to

the rear of the property which would be sited directly below the corner of the extension.

The proposed single storey extension would be in line with the existing extensions approved at No. 10 - 14 and as such is considered to be in keeping with the previously approved development. The style of the proposed extension would also replicate those of the adjacent approved extensions. As such no objections are raised in relation to this amendment.

Amenity

As with the previous scheme, the proposed single storey extensions along the rear of the property would replace the demolished buildings within the rear yard however an assessment of the impact in terms of potential overbearing relationships is required. Due to the differences in height these extensions should be located 15.5 metres from the rear elevations of the dwellings to the east. A minimum distance of between approximately 17 metres can be provided between the proposed extension and the nearest property fronting Crown Lane.

As with the previously assessed scheme, the proposed rear ground floor windows would be largely screened by the existing or amended rear boundary wall and would prevent any overlooking between the existing and proposed dwellings.

Conclusion

The applicant has an existing permission 69996, that they can implement. This application is to consider the amendments to that permission that require conditions to be varied. All other matters have been assessed under the previous application.

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:

- 1 The development must be begun not later than 18th January 2027.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
- 2 This decision relates to drawings numbered 20.579.SLP, 20.579.01, 20.579.04 Rev C, 20.579.07 Rev C, 20.579.04 (3 of 4), Existing Site/Block Plan received 10th December 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 Details/Samples of the materials to be used in the external elevations, together with details of their manufacturer, type/colour and size, shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced. Only the approved materials/bricks 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 ensure a satisfactory development pursuant to Development Plan Policies EN1/2 - Townscape and Built Design, EN2/1 - Character of

Conservation Areas, EN2/1 - Character of Conservation Areas, EN1/2 - Townscape and Built Design and H2/1 - The Form of New Residential Development.

- 4 No development shall commence unless and until:-
- A contaminated land Preliminary Risk Assessment report to assess the actual/potential contamination and/or ground gas/landfill gas risks at the site shall be submitted to, and approved in writing by, the Local Planning Authority;
 - Where actual/potential contamination and/or ground gas/landfill gas risks have been identified, detailed site investigation and suitable risk assessment shall be submitted to, and approved in writing by the Local Planning Authority;
 - Where remediation/protection measures is/are required, a detailed Remediation Strategy shall be submitted to, and approved in writing by, the Local Planning Authority.

Reason. The scheme does not provide full details of the actual contamination and subsequent remediation, which is required to secure the satisfactory development of the site in terms of human health, controlled waters, ground gas and the wider environment and pursuant to National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.

- 5 Following the provisions of Condition 5 of this planning permission, where remediation is required, the approved Remediation Strategy must be carried out to the satisfaction of the Local Planning Authority within agreed timescales; and A Site Verification Report detailing the actions taken and conclusions at each stage of the remediation works, including substantiating evidence, shall be submitted to and approved in writing by the Local Planning Authority prior to the development being brought into use.

Reason. To secure the satisfactory development of the site in terms of human health, controlled waters and the wider environment and pursuant to National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.

- 6 No development shall commence unless and until surface water drainage proposals have been submitted to and approved in writing by the Local Planning Authority. The scheme should be in accordance with the submitted Surface Water Sustainable Drainage Assessment and must be based on the hierarchy of drainage options in the National Planning Practice Guidance and be designed in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015). This must include assessment of potential SuDS options for surface water drainage with appropriate calculations and test results to support the chosen solution. Details of proposed maintenance arrangements should also be provided. The approved scheme only shall be implemented prior to first occupation and thereafter maintained.

Reason. The current application contains insufficient information regarding the proposed drainage scheme to fully assess the impact. To promote sustainable development and reduce flood risk pursuant to Development Plan Policies JP-S4 - Flood Risk and the Water Environment, EN7/3 - Water Pollution and EN7/5 - Waste Water Management and chapter 14 - Meeting the challenge of climate change, flooding and coastal change of the NPPF.

- 7 No development shall commence unless and until a 'Construction Traffic Management Plan' (CTMP), has been submitted to and approved by the Local Planning Authority and shall confirm/provide the following:

1. Photographic dilapidation survey of the adopted highway abutting the site in the event that subsequent remedial works are required following construction of the development;

2. Access arrangements for construction traffic from the adopted highway, via Factory Street/Paradise Street including use of appropriately sized vehicles in order to be able to utilise the existing restricted access route;
3. Hours of operation and number of vehicle movements;
4. Proposals for the provision of parking facilities/arrangements for site operatives in view of a lack of available existing parking facilities in close proximity to the site;
5. Storage on site/on land within the applicant's control of construction materials, including any requisite phasing of the development to accommodate this;
6. If proposed, site hoarding positions including the provision, where necessary, of safe scaffolding arrangements and temporary pedestrian facilities/protection measures on the adopted highway.

The approved plan shall be adhered to throughout the demolition/construction period and the measures shall be retained and facilities used for the intended purpose for the duration of the demolition and construction periods. The areas identified shall not be used for any other purposes other than the turning/parking of vehicles and storage of demolition/construction materials.

Reason. Information not submitted at application stage. To mitigate the impact of the construction traffic generated by the proposed development on the adjacent residential streets, and ensure adequate off street car parking provision and materials storage arrangements for the duration of the construction period and that the adopted highways are kept free of deposited material from the ground works operations, in the interests of highway safety pursuant to Development Plan Policies EN1/2 - Townscape and Built Design, JP-C5 - Streets For All and JP-C6 - Walking and Cycling.

- 8 Notwithstanding the details indicated on the approved plans, no development shall commence unless and until full details of the following have been submitted to and agreed with the Local Planning Authority:

1. Full reconstruction of the footway abutting the site incorporating the reinstatement of the redundant footway crossing in materials suitable for use in a Conservation Area, to a scope and specification to be agreed with the Highway Authority and Local Planning Authority and all associated accommodation works required to tie the reconstructed footway into adjacent footway levels on Paradise Street and to minimise proposed door threshold levels;
2. Revised bin store door arrangements that do not project or open out into the adjacent adopted highway;
3. Ground floor windows of a type/design that do not open into the path of pedestrians on the adjacent Paradise Street footway.

The details subsequently approved shall be implemented to an agreed programme with all highway works completed prior to the development hereby approved being first occupied.

Reason. To secure the satisfactory development of the site in terms of highway safety, ensure good highway design and maintain the integrity of the adopted highway, in the interests of highway safety pursuant to Development Plan Policies EN1/2 - Townscape and Built Design, H2/2 - The Layout of New Residential Development, EN2/1 - Character of Conservation Areas, EN2/2 - Conservation Area Control, JP-C5 - Streets For All and JP-C6 - Walking and Cycling.

- 9 The bin storage arrangements indicated on the approved plans shall be implemented prior to the development hereby approved being occupied and thereafter maintained at all times.

Reason. To ensure adequate off-highway bin storage arrangements are provided within the curtilage of the site, in the interests of highway safety pursuant to Bury Unitary Development Plan Policies EN1/2 - Townscape and Built Design, H2/2 - The

Layout of New Residential Development and HT6/2 - Pedestrian/Vehicular Conflict.

- 10 Notwithstanding the details shown on the approved plans 1no. bat box and 1no.bird box shall be installed prior to the development hereby approved being first occupied.
Reason. To secure the satisfactory development of the site and in the interest of enhancing the natural and local environment pursuant to H2/2 - The Layout of New Residential Development, EN1/2 - Townscape and Built Design, JP-G8 - A Net Enhancement of Biodiversity and Geodiversity and EN6/3 – Features of Ecological Value of the Development Plan and the National Planning Policy Framework.
- 11 Notwithstanding the terms of the Town and Country Planning (General Permitted Development) (England) Order 2015, as subsequently amended, no development shall be carried out within the terms of Classes A to G of Part 1 of Schedule 2 of the Order, without the submission and approval of a relevant planning application.
Reason. To ensure that future inappropriate alterations or extensions do not occur pursuant to policies of the Unitary Development Plan listed.
- 12 No electricity, gas or water meter boxes shall be fixed to the front elevation of the buildings.
Reason. To ensure that future inappropriate alterations do not occur pursuant to policies of the Unitary Development Plan listed.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
HP	30/01/2025	DM	03/02/25