

DELEGATED REPORT

Report by Tom Beirne	Date of report: 22/05/2023	Ref: 69207/FUL
Registration: 02/03/2023	LDFC: 28/03/2023	Expiry Date: 27/04/2023
Site Visit: 22/05/2023	Site Notice: 16/03/2023	Press Date: 16/03/2023
Objections: 0	Con Area: RAMS	Adv Type: CA
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Excavation of garden/alterations to levels to form stepped access to cellar with seating area and glass canopy at front

Location: 16 Scotland Place, Ramsbottom, Bury, BL0 9BD

Description

The application relates to a two storey, stone built end terraced house within Ramsbottom Town Centre Conservation area. The house sits about 2m below the level of Square Street, the adjacent highway running to the side of the house.

The proposed glazed extension would project out 2.4m and run 2.8m across the rear elevation to allow an extended cellar and outdoor seating area at cellar level.

Relevant Planning History

68534 - Making the converted cellar accessible and usable - Withdrawn - Invalid
21/09/2022

Publicity

Immediate neighbours notified by letter dated 07/03/2023. Press and site notices posted 16/03/2023. No objections received.

Statutory/Non-Statutory Consultations

Conservation Officer - No objection

Pre-start Conditions - N/A

Unitary Development Plan and Policies

H2/3	Extensions and Alterations
SPD6	Supplementary Planning Document 6: Alterations & Extensions
EN2/1	Character of Conservation Areas
EN2/2	Conservation Area Control
EN1/1	Visual Amenity

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 and Heritage - The overall simple glazed design and scale of the extension is good and appears to be in keeping with the existing property and wider conservation area. Although well designed, the extension is set well down in the site and would not be particularly prominent when viewed from the public highway.

A Heritage Statement has been submitted and concludes that the proposed development would enhance and preserve the special character and appearance of the Conservation Area and the heritage asset. Consequently no change to the existing character of the Conservation Area will result and important views within the Conservation Area will be unaffected.

The proposed changes preserve the historic integrity of the building and thus will not negatively affect the properties status within the Conservation Area and consequently there will be no negative impact on the historic fabric or setting.

The scheme is therefore considered to comply with Local Plan Policies EN1/1 - Visual Amenity, EN1/2 – Townscape and Built Design, EN1/3 – Landscaping Provision, EN2/1 - Character of Conservation Areas, EN2/2 - Conservation Area Control and H2/3 Extensions and Alterations.

The development proposed is also considered to conform to the National Planning Policy Framework 2021, Chapter 16. Conserving and enhancing the historic environment.

The conservation officer has no objection to the revised plans.

Residential amenity - Given the modest size and siting of the extension, there are no residential amenity issues arising from the proposal which is acceptable and complies with UDP Policies H2/3, EN2/1 and EN2/2 and guidance in this respect.

Tree Protection - There is a maple tree close to the side boundary with Square Street. A tree report was submitted with the application and concludes that there would be no significant impact on the tree although a tree protection scheme would be implemented to protect the tree and this would be required by a suitable condition. This would be in line with UDP Policy and guidance.

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 the revised drawings received on 22/05/2023 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 All trees within the site shall be protected in accordance with BS 5837:2012 "Trees in relation to design, demolition and construction". The development shall not commence unless and until the measures required by the British Standard are implemented and all measures required shall remain in situ until the development has been completed.
Reason. To avoid the loss of trees which are of amenity value to the area pursuant to Policy EN1/1 Visual Amenity.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
Tom Beirne	22/05/2023	DM	22/05/23