

**DELEGATED REPORT**

|                                 |                                   |                                |
|---------------------------------|-----------------------------------|--------------------------------|
| <b>Report by</b> Claire Booth   | <b>Date of report:</b> 21/11/2024 | <b>Ref:</b> 71080/FUL          |
| <b>Registration:</b> 27/09/2024 | <b>LDFC:</b> 01/11/2024           | <b>Expiry Date:</b> 22/11/2024 |
| <b>Site Visit:</b> 07/10/2024   | <b>Site Notice:</b> 07/10/2024    | <b>Press Date:</b> 31/10/2024  |
| 09:00:00                        |                                   |                                |
| <b>Objections:</b> 0            | <b>Con Area:</b> RAMS             | <b>Adv Type:</b> CA            |
| <b>Reason for Delay:</b>        |                                   | <b>EIA:</b> NA                 |
| N/A                             |                                   | <b>Dec Level:</b> DEL          |
|                                 |                                   | <b>Stat Class:</b> MIOT        |

**Proposal:** Installation of three roof lights to rear elevation

**Location:** The Flat, 84 Bridge Street, Ramsbottom, Bury, BL0 9AG

**Description**

The application relates to the first floor over Nos. 82 and 84 Bridge Street, Ramsbottom which is in use as a self contained flat which is accessed through the original doorway to no. 84 Bridge Street.

The ground floor is in use as an A1 Retail Shop selling clothes which incorporates the ground floor of nos. 80-84 Bridge Street.

The site is within Ramsbottom Town Centre, Ramsbottom Conservation Area and within the setting of listed buildings, opposite the application site on the corner of Bridge Street and Bolton Street. The site is also within the main shopping frontage on Bridge Street, as allocated within the adopted Development Plan.

Planning permission was initially sought to install four rooflights on the front roof slope and three rooflights on the rear roofslopes of the property. During the course of the application, due to the harm that would have been caused to the street scene, the setting of listed buildings and the character of the Conservation Area, permission is sought solely for the three proposed rooflights on the rear roofslope of the building. The amended plan was received on the 21/11/2024.

**Relevant Planning History**

N/A

**Publicity**

The application has been advertised in the Bury Times and by Site Notice due to the sites location within Ramsbottom Conservation Area and the setting of Grade II listed buildings.

No representations have been received.

**Statutory/Non-Statutory Consultations**

**Conservation Officer** - Raised objections to the front roof lights initially proposed and advised they have no objections to the rear rooflights proposed.

**Pre-start Conditions** - Not relevant

**Development Plan and Policies**

EN2/1 Character of Conservation Areas

|       |                                    |
|-------|------------------------------------|
| EN2/2 | Conservation Area Control          |
| EN1/2 | Townscape and Built Design         |
| EN2/3 | Listed Buildings                   |
| 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.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires

Local Planning Authorities in the exercise of their planning functions to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.

Section 66(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990 requires that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

UDP Policy TC2/1: 'Upper Floors within the Town Centres' states the Council will support proposals bringing the upper floors into use. The flat above 84 Bridge Street is already in existence, so this policy is not wholly relevant in the determination of this application, however, it is recognised that providing more natural light into the first floor flat accommodation would improve the amenity of the occupier(s) of this apartment.

The proposed rear facing rooflights would not have visibility in the main street scene or be visible from areas of public realm that would be sensitive with regard to the character and appearance of the conservation area, or the setting of nearby listed buildings at the Former Grants Arms, 7 & 9 Market Place, Market Chambers, 2-18 Ramsbottom Road and 59 Bridge Street. As such the rear facing rooflights would comply with adopted policy TC2/1 in the improvement the living standards of the flat keeping the upper floor use in a viable use compatible with its conservation as a strong contributor preserving the character and appearance of the conservation area.

As the rear roofslope is viewable when travelling along the back street existing between Smithy Street and Bridge Street which runs along the rear of properties on Bolton Road West and Square Street and the site is within Ramsbottom Conservation Area, a condition is recommended to ensure conservation rooflights flush fitting are installed.

Subject to the above-mentioned condition being imposed, the amended proposal is considered to accord with the requirements of UDP Policies EN2/1-Character of Conservation Areas, EN2/2-Conservation Area Control and EN2/3-Listed Buildings and the National Planning Policy Framework. For this reason, it is recommended that the application be conditionally approved.

**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 permission relates to the following plans:

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Drawing ID:ID: MPMBW-01191626 - O.S Location Plan, and Drawing no. W100 - Proposed Floor Plan and Elevations, received 21/11/2024, except as provided for by other conditions to this permission, the development shall be carried out in complete accordance with the approved drawings.

Reason: For the avoidance of doubt and to ensure a satisfactory standard of development in accordance with the policies contained within the Bury Unitary Development Plan, Places for Everyone Joint Development Plan and the National Planning Policy Framework.

- 3 All roof lights shown on drawing no. W100 shall be of a 'conservation style' to sit flush with the roof surface and shall not protrude from the roof plane.

Reason: To ensure a sympathetic relationship with the character and appearance of the host building(s) and Ramsbottom conservation area in accordance with the requirements of Policies EN2/1 - Character of Conservation Areas, EN2/2 - Conservation Area Control and EN2/3 - Listed Buildings of the Bury Unitary Development Plan.

| <u>Case Officer</u> | <u>Date</u> | <u>Sign off Officer</u> | <u>Date</u> |
|---------------------|-------------|-------------------------|-------------|
| CB - 21/11/2024     |             | HL 21/11/24             |             |