

DELEGATED REPORT

Report by Jennie Townsend	Date of report: 06/07/2023	Ref: 69504/FUL
Registration: 15/05/2023	LDFC: 07/06/2023	Expiry Date: 10/07/2023
Site Visit: 26/05/2023	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: PI
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MIOT

Proposal: Provision of 2 no. ground floor bay windows, new ground floor windows, retracting canopy to existing balcony; Render to front elevation; New shop front to side elevation.

Location: Clarkes Craft Products, Empire Works, Railway Street, Ramsbottom, Bury, BL0 9AS

Description

The site relates to a 2 storey commercial building which is located in Ramsbottom Town Centre. The site is just outside of the Ramsbottom Conservation Area which is to the north. The building is located on a corner and fronts Railway Street beyond which is a public car park running linear to the East Lancs Railway. There is also a public car park to the north and a supermarket to the south. Behind the premises is a metalworks.

The premises is in a commercial use comprising a craft supply shop, art studio, lecture rooms and cafe. The building has a flat roof and elevations comprise concrete brick. On the first floor front elevation is a balcony with main entrance below and with display windows either side. The Irwell Street side elevation has a roller shutter door.

The application seeks to carry out works to modernise and update the front and side elevations. It is proposed to replace the ground floor display windows with new bay window either side of the entrance with a monopitch roof over. Above this at the first floor would be a retractable canopy over the balcony.

On the north eastern side of the front elevation a new display window would be inserted at ground floor.

On the side elevation the roller shutter opening would be replaced by a window opening with the existing roller shutter retained for security purposes when the building is closed.

It is also proposed to render the front elevation.

Internally, the existing uses would not change but would be re-configured in a new layout.

Relevant Planning History

N/a

Publicity

Site notice posted 31/5/23.

No responses received

Statutory/Non-Statutory Consultations

Conservation Officer - No objection

Traffic Section - No objection

Pre-start Conditions - Not relevant

Unitary Development Plan and Policies

Area	Railway Street/Bridge Street/Peel Brow
RM5	
NPPF	National Planning Policy Framework
EC1/2	Land Suitable for Business (B1)
RT4/1	Tourism Development
EN1/2	Townscape and Built Design
EN2/1	Character of Conservation Areas
EN2/2	Conservation Area Control
HT2/4	Car Parking and New Development
HT6/2	Pedestrian/Vehicular Conflict
EC4/1	Small Businesses

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.

Principle - The building is in an established commercial use in a town centre location and has become dated and worn over time. The application seeks to update and renovate the external elevations to improve its appearance within the streetscene and town centre and to attract customers to visit the businesses.

As such the principle to carry out external works would be acceptable subject to details of the proposed renovations.

Visual amenity - The building was once in use as a cinema which closed its doors in 1966, re-opening as the current business in the 1980's. The building has changed very little since the current business took over, apart from new signage. Constructed of block brick the building has become progressively shabby and worn. The proposed development seeks to make changes to the two main frontages to Railway Street and Irwell Street by replacing the ground floor display windows and with new bay window frontages, inserting a new window at the ground floor front elevation and inserting a new display window over the industrial type opening on the side elevation.

The bay windows would incorporate stall risers with aluminium frames to the window surrounds to provide a fresh and new appearance and the insertion of the new window at ground floor would break up this section of wall which is fairly bland and uninteresting. The balcony at the first floor is a feature of the building and would be fitted with a retractable canopy. As the canopy would only be used when the shop is open and located at the upper level this is considered to be acceptable.

On the side elevation, the insertion of a display window over the existing roller shutter opening would be more appropriate solution comparative to the existing industrial type opening. Whilst the roller shutter itself would be retained over the new opening, it would only be shut when the building closed and not during the day when there would likely be more footfall in the area. .

The proposal to render the front of the building would cover up and mask old and dirty brickwork and also freshen the appearance from the frontage and as such is considered acceptable.

The site is not located in the Conservation Area but is adjacent to it. In terms of visual impacts on this heritage asset, only certain parts of the building from limited areas would be visible within the context of the Conservation Area and given the scale and extent of works proposed it is considered harm would neutral and the development would preserve the special character of the Conservation Area.

As such it is considered the proposed development would be acceptable and comply with policies EC4/1, EN1/2, EN2/1 and EN2/2.

Impact on surrounding area - The site is located in the town centre and surrounded by other commercial businesses including a supermarket and metalworks. The proposed alterations would not interfere with the operations of the adjacent businesses nor on privacy.

As such the proposed development would be acceptable and comply with EN1/2 and EC4/1.

Highways issues - There would be no changes to the use of the building which would affect current parking provisions.

In terms of the physical impact of the works, the new roof to the front entrance would be above the required head height and the new bay window constructed would not obstruct the pedestrian route along the footway.

The proposed development would therefore be acceptable and comply with EN1/2 and EC4/1

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 Revised existing and proposed floor plans DWG/001 rev A3; Revised existing and proposed elevations DWG/002 rev B4 5-7-23 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 external finishing materials for the proposal hereby approved shall be as detailed on the revised proposed external elevations plan DWG/002 rev B2
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.
- 4 The development hereby approved shall not be brought into use unless and until the redundant footway crossing on Irwell Street has been reinstated to adjacent footway levels to a scope and specification to be agreed with the Highway Authority and thereafter implemented as agreed.
Reason. To ensure good highway design and maintain the integrity of the adopted highway pursuant to Bury Unitary Development Plan Policies EN1/2 - Townscape and Built Design and HT6/2 - Pedestrian/Vehicular Conflict.
- 5 The foundations for the proposed bay windows and new shop front shall not encroach under the adjacent adopted highways at any point.
Reason. To ensure good highway design and maintain the integrity of the adopted highway pursuant to Bury Unitary Development Plan Policies EN1/2 - Townscape and Built Design.
- 6 There shall be no direct means of pedestrian access between the café and Irwell Street.
Reason. To ensure good highway design, in the interests of pedestrian safety pursuant to Bury Unitary Development Plan Policies EN1/2 - Townscape and Built Design and HT6/2 - Pedestrian/Vehicular Conflict.

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<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JT	6/7/23	HL	07/07/23