

DELEGATED REPORT

Report by Helen Leach	Date of report: 21/07/2022	Ref: 68280/FUL
Registration: 31/03/2022	LDFC: 27/05/2022	Expiry Date: 26/05/2022
Site Visit: 12/07/2022	Site Notice: 06/05/2022	Press Date: 28/04/2022
Objections: 0	Con Area: RAMS	Adv Type: LBCA
Reason for Delay: N/A		EIA: NA Dec Level: DEL Stat Class: MIDW

Proposal: Change of use of first floor vacant retail unit to form 1 No. apartment and subdivision of remainder of 1st floor and 2nd floor to form 2 No apartments (Total of 3 No. apartments); External alterations

Location: 7 Market Place, Ramsbottom, Bury, BL0 9AJ

Description

The building is a semi-detached building, which is Grade II listed. The building is located in the Ramsbottom Conservation Area and the main shopping area of the town. The ground floor of the building is in use as a pharmacy (Class E) and the upper floors contain a vacant retail unit (Class E) and a apartment over 2 floors. There is a pedestrian access to the upper floors between the Grants Arms and No. 9 Market Place.

The attached building is in use as a cafe/coffee shop (class E) and the Grants Arms building is located to the north, which is in use as offices.

The doctors surgery is located to the south and Ramsbottom library and a nursery are located to the west.

The proposed development involves the change of use of a first floor retail unit to an apartment and the conversion of the first and second floors to 2 apartments.

The proposed development involves replacing the windows with timber sliding sash windows on the front elevation and timber windows on the rear. The existing store at the rear would be used as a bin store and cycle store with two new doors added.

No off-road parking would be provided.

Relevant Planning History

47776 - Externally illuminated trough lit shop signs at 7 Market Place, Ramsbottom. Approved with conditions - 21 June 2007.

68281 - Listed Building Consent - Change of use of first floor vacant retail unit to form 1 No. apartment and subdivision of remainder of 1st floor and 2nd floor to form 2 No apartments (Total of 3 No. apartments); External alterations at 7 Market Place, Ramsbottom. Received - 31 March 2022.

Publicity

The neighbouring properties were notified by means of a letter on 19 April 2022 and a press notice was published in the Bury Times on 28 April 2022. Site notices were posted on 6 May 2022.

There has been no response.

Statutory/Non-Statutory Consultations

Traffic Section - No objections, subject to the inclusion of conditions relating to bin stores.

Waste Management - No objections.

Conservation Officer - No objections.

Environmental Health - Pollution Control - No objections.

Pre-start Conditions - Not relevant.

Unitary Development Plan and Policies

H1/2	Further Housing Development
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
H2/4	Conversions
EN1/1	Visual Amenity
EN1/2	Townscape and Built Design
EN1/7	Throughroutes and Gateways
EN1/8	Shop Fronts
EN2/1	Character of Conservation Areas
EN2/2	Conservation Area Control
EN2/3	Listed Buildings
EN6	Conservation of the Natural Environment
EN6/3	Features of Ecological Value
EN7	Pollution Control
EN7/2	Noise Pollution
EN7/5	Waste Water Management
HT2/4	Car Parking and New Development
TC2/1	Upper Floors
Area	Market Place/Carr Street/Ramsbottom Lane
RM1	
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) 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 National Planning Policy Framework should be treated as a material planning consideration and it emphasises the need for local planning authorities to boost the supply of housing to meet local housing targets in both the short and long term. There is a particular emphasis, as in previous national planning guidance, to identify a rolling five year supply of deliverable housing land.

Bury's Strategic Housing Land Availability Assessment sets out the latest housing supply position, which is made up with sites that have an extant planning permission and sites that have potential to obtain planning permission in the future. This shows that there are a number of sites within the Borough with the potential to deliver a significant amount of housing. However, not all of these sites will contribute to the five year supply calculations as many sites will take longer than five years to come forward and be fully developed (e.g. some large sites could take up to ten years to be completed). As such, latest monitoring indicates that the Council is unable to demonstrate a five year supply of deliverable housing land and this needs to be treated as a material factor when determining applications for residential developments.

Policy H1/2 states that the Council will have regard to various factors when assessing a proposal for residential development, including whether the proposal is within the urban area, the availability of infrastructure and the suitability of the site, with regard to amenity, the nature of the local environment and the surrounding land uses.

Policy TC2/1 states that within the town centres, the Council will support proposals which bring underused and vacant space on upper floors of premises into beneficial use.

The proposed development would involve the conversion of an existing building, which equates to previously developed land. The site is located within the town centre and there would be adequate infrastructure available. The proposed development would involve the conversion of the upper floors and a retail unit would be maintained on the ground floor. Therefore, the proposed development would be acceptable in principle and would be in accordance with Policy H1/2 of the adopted Unitary Development Plan and the NPPF.

Impact upon listed building and conservation area - Paragraph 194 of the NPPF states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no

more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

Paragraph 199 states 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.

The application site together with No. 9 is a Grade II listed building and is located within the Ramsbottom Conservation Area. The building dates from circa 1840 and has a plain symmetrical classical frontage forming the west side of Market Place. The building is 3 storeys in height and is constructed from ashlar stone with sash windows and has a 20th century shop front. The building has a group value with the other listed buildings surrounding Market Place and is a strong contributor to the character and appearance of the conservation area.

The proposed development would involve the change of use from 2 retail units and 1 apartment to 1 retail unit and 3 apartments. The building has already been adapted internally into a mixed use of residential and retail and it is considered that the interior of the building contributes little to its significance. As such, the proposed internal works would preserve the character of the building.

The only external alterations would be replacement windows and two additional doors on the northern elevation. The applicant originally proposed uPVC sliding sash windows as these are installed on No. 9 Market Place. The windows at No. 9 have been installed without consent and are currently the subject of an enforcement case. As such, the agent has amended the windows to timber sliding sash and has provided plans and section plans. The Conservation Officer has no objections to the proposed development. Therefore, the proposed development would not cause harm to the listed building or the character of the conservation area and would be in accordance with Policies EN1/2, EN2/1, EN2/2 and EN2/3 of the adopted Unitary Development Plan.

Design and layout - The main external changes would be 2 new doors on the north eastern elevation and the provision of replacement windows.

There is an existing door on the north eastern elevation, which currently serves the existing residential unit. The existing store would be converted into a residents cycle store and a bin store with two new doors being provided on the northern elevation. The proposed doors would be evenly spaced and would complement the existing door. The northern elevation is obscured by the Grants Arms building and as such, the proposed doors would not be a prominent feature in the streetscene.

The proposed windows would be replaced with timber sliding sash windows to the front and side elevations. The Conservation Officer has no objections to the proposed changes. The two storey extension at the rear is a modern addition to the building, being constructed from artificial stone and timber cladding. The windows within the two storey element of the building are more horizontal in appearance. The proposed windows would be replaced with timber windows, but these would not be sliding sash, which is acceptable.

The agent has confirmed that the area above the two storey flat roof extension at the rear would not be used as private amenity space. A door would be provided at second floor level for access for maintenance only. A condition would be included to prevent use of this area

as amenity space.

Therefore, the proposed development would be acceptable in terms of appearance and the provision of new sliding sash windows would make a positive contribution to the character of the listed building and the conservation area. The proposed development would be in accordance with Policies EN1/2, EN2/1, EN2/2 and EN2/3 of the Bury Unitary Development Plan.

Impact upon residential amenity - SPD 6 provides guidance on aspect standards for residential properties and would be relevant in this case.

There would be 45 metres between the proposed development and the front elevation of Nos 2 - 8 Market Place. This would be in excess of the 20 metre aspect standard.

There would be 14.5 and 20.6 metres between the proposed development and the gable elevation of the doctors surgery. This would be in excess of the 13 metre aspect standard.

The windows on the rear elevation would be in the position of the existing openings and as such, the impact upon the amenity of the users of the nursery would be no worse than the existing situation.

Therefore, the proposed development would not have a significant adverse impact upon the amenity of the neighbouring properties.

Noise - There is activity during the day and evening in the surrounding area. Town centre living adds to the vitality of a town centre. The ground floor unit is currently operating as a pharmacy (Class E).

As such, it would be permitted for a retail unit (Class E) with 2 residential units above. The Environmental Health - Pollution Control Section has no objections to the proposal. Therefore, the proposed development would not have a significant adverse impact upon the amenity of the future occupiers of the residential units, subject to conditional control and the proposal would be in accordance with Policy EN7/2 of the adopted Unitary Development Plan.

Highways issues - The existing pedestrian access to the apartment would be used as the main access to the proposed 3 residential units. The pedestrian access is located on the adopted highway between the Grants Arms and 9 Market Place.

The proposed development would not provide any off-street parking. The site is located in the town centre with good access to services and amenities. There is good access to public transport. As such, the proposed development is considered to be acceptable in this instance.

The Traffic Section have no objections, subject to the inclusion of a condition relating to bins.

Therefore, the proposed development would not be detrimental to highway safety and would be in accordance with Policies H2/1, H2/2 and HT2/4 of the Bury Unitary Development Plan.

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

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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 Location plan, 010-329 01 D, 010-329 02 D, 010-329 03 D, 010-329 04 D, 010-329 06 D, 010-329 07 D, 010-329 09, 010-329 08 D, 010-329 10 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 new windows on the front and side elevations to which this consent relates shall be timber sliding sash as shown on plans 010-329 08 D and 010-329 10.
Reason. In order to preserve the special architectural or historic interest of the building pursuant to the following policies of the Bury Unitary Development Plan:
Policy EN2/1 - Character of Conservation Areas
Policy EN2/2 - Conservation Area Control
Policy EN2/3 - Listed Buildings
- 4 Bin storage and refuse collection arrangements shall be provided within the curtilage of the site in accordance with Waste Management's 'Guide to Refuse Collection Requirements & Storage Methods for New Developments'.
Reason. To ensure that adequate bin storage arrangements are provided within the curtilage of the site pursuant to Policy EN1/2 - Townscape and Built Design of the Bury Unitary Development Plan.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
HL - 21/07/2022			