

DELEGATED REPORT

Report by Helen Pressley	Date of report: 04/08/2023	Ref: 69628/FUL
Registration: 16/05/2023	LDFC: 16/06/2023	Expiry Date: 11/07/2023
Site Visit: 19/05/2023	Site Notice: 19/05/2023	Press Date: 25/05/2023
Objections: 2	Con Area: RAMS	Adv Type: CAAF
Reason for Delay: N/A		EIA: NA Dec Level: DEL Stat Class: MIOT

Proposal: Replacement of existing timber shop front with new aluminium shop front and stone stall riser

Location: 44 Bridge Street, Ramsbottom, Bury, BL0 9AQ

Description

The application relates to a terraced shop located on Bridge Street. The premises is built up to the back of the pavement, with a shop front at ground floor. The existing shopfront is timber. The premises is located within Ramsbottom Conservation Area.

Planning permission is sought for the removal of the existing shop front and for the construction of a new shop front with aluminium window frames and a stone stall riser. The existing timber pilaster and timber signage areas are proposed to be retained, and repaired/repainted.

Relevant Planning History

02834/E - Replace existing timber shop front with new aluminium shop front - Enquiry completed 26/04/2023

53550 - First floor extension at rear; Change of use of first floor from store to self contained flat - Refuse/Refused 14/06/2011

55271 - First floor extension at rear; Change of use of first floor from store to self contained flat (re submission) - Withdrawn - Invalid 18/10/2012

66417 - First floor extension at rear - Approve with Conditions 19/04/2021

22/0110 - Window has been bricked up and installation of skylight - 12/04/2022

Publicity

Neighbour letters sent 17/05/2023

Site Notice 19/05/2023

Press Notice 25/05/2023

2 objections received in relation to:

- the shop front should be in keeping with the conservation area. Timber frontage would be much more appropriate.
- The Ramsbottom Conservation Appraisal and Management Plan 2011, states that Bridge Street retains “good timber shop fronts” and is one of the key features that ensures Ramsbottom retains its unique character what it is today.
- Although the property is unlisted, the building forms part of a terrace with Numbers 28-48, formerly known as Dungeon row; and is noted as a “significant building that makes a positive contribution to the character the Conservation Area”. These were built in the 1820’s, which are 2-storey in height, formally workers cottages and converted to

retail in the 19th century.

- Given this, we are of the opinion that the current proposals presented within the application conflict with Policy 6 of Ramsbottom Conservation Appraisal and Management Plan 2011, where “the small shop use and character of the town centre shall be protected, and the Councils policy ‘Shop Fronts and Signs 2004’ shall be strictly enforced. Traditional shop fronts shall not be altered other than to enhance their character”.
- It should be noted that the lack of maintenance and neglect of the property from the building owner since the building has been vacant from its previous use as a laundrette is the probable cause to its current condition.
- The first-floor window appears at odds with the neighbouring properties, with the proportions distorted and brickwork introduced below the window cill. Its replacement to a timber sash window would be welcomed.
- We would disagree and have reservations that the use of aluminium would increase the thickness of both frame, mullions, and transoms. The use of ‘aluminium window frames’ would be out of character with the rest of Bridge Street and should therefore be replaced in timber that is more suitable to the area.
- We also note the introduction of a stone stallriser. Although the existing panelled stallriser is timber, replacement in stone would be deemed acceptable, however the height appears to be too high compared with the neighbouring properties on the terrace row (Numbers 28-48).
- The approval of this application would set a case-precedent for future applications, which would ultimately dilute the special character of the Ramsbottom Conservation Area.
- It is also noted that the entrance door is to be relocated more centrally on the façade. We find it difficult to comprehend that what is being proposed is merely a commercial aluminium framed shop front that retains the timber pilaster and fascia, and therefore we cannot support such an application.

Statutory/Non-Statutory Consultations

Conservation Officer - Raises objections - the replacement shop front should be constructed from timber and not steel as this would not preserve the special character of that part of the conservation area

Pre-start Conditions - Not relevant

Unitary Development Plan and Policies

EN2/1	Character of Conservation Areas
EN2/2	Conservation Area Control
S1/2	Shopping in Other Town Centres
S2/2	Prime Shopping Areas and Frontages
Area	Bolton Street/Bridge Street
RM3	
EN1/8	Shop Fronts

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.

Policy

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.

Paragraph 189 of the NPPF - "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".

As the site is located within Ramsbottom Conservation Area it is also 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 paragraphs 189-202 and Policies EN2/1 - Character of Conservation Areas and EN2/2 - Conservation Area Control of the UDP.

Section 72 of The Planning (Listed Buildings and Conservation Areas) Act 1990 requires local planning authorities to give special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.

In addition to the Conservation Area considerations Policy EN1/2 seeks to ensure that proposals do not have an adverse effect on the particular character and townscape of the Borough's towns, villages and other settlements. Policy EN1/8 further seeks to ensure that proposes for new and altered shop front properly respect the architectural elements of the building and the character of the surrounding street scene.

Visual Amenity and Impact on Conservation Area

The town centre is characterised by dense development, with the commercial buildings on Bridge Street being built up to the back of the pavement. The small shop character within this row is a key element of what defines the character of the Conservation Area and as such this needs to be retained, or restored when possible. The application site, and adjacent shops, are listed within the Ramsbottom Conservation Area Management Plan as a significant building that contributes to the character of the conservation area. The row of shops is identified as 1820s/1830s, good 2-storey block of shops, formerly known as Dungeon Row, and includes 46 Bridge Street, with a 19th century style shop front. The existing shop front however has fallen into a poor state of repair, detracting from the character of the street scene.

The introduction of a stone stall riser reflects the style and materials of other shop fronts along Bridge Street and is therefore considered to be acceptable. The retention, and repair of the existing timber pilaster is welcomed and would help to maintain the rhythm and character of the row. The retention of the area proposed for signage is also considered to be acceptable and would not dominate the frontage of the premises. The gap retained between the cill of the first floor window and the top of the signage area replicates the rhythm of the existing fascia signs of the neighbouring shops and as such is considered to be in keeping with the area.

The use of aluminium framing for the glazing of the shop front however would not be acceptable. When discussing Bridge Street within the Conservation Area Management Plan the plan states that "Good timber shop fronts survive on many buildings." Shop fronts are key to what makes this area special and it is important that these frontages and details are retained and where possible restored.

It has been acknowledged that at pre-application it was indicated that a new steel shop front matching the existing shop front would be acceptable within that part of the conservation area, however following public consultation the Conservation Area Officer was referred back to guidance and considered that when "reviewing the shop fronts on Bridge Street it is clear...they are constructed from timber and as such the replacement shop front should be constructed from timber and not steel as this would not preserve the special character of that part of the conservation area identified in the Ramsbottom Conservation Area Appraisal and Management Plan.

This is contrary to the advice given at pre-application stage, but it should be noted that pre-application advice is not binding, and the review of the proposal has come about as a result of the public consultation."

It is also noted that the applicant has provided examples of aluminium coatings that give the appearance of timber, and examples of other shop fronts that have aluminium elements. The introduction of modern materials and designs at other units has detracted from this special character and should not be used as an opportunity to further erode the special character.

In this instance it is considered that the works proposed would not preserve the Character of the Conservation Area and as such is contrary to the NPPF, and UDP Policies EN2/1,

EN2/2, EN1/8 and EN1/2.

Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015

The proposal would not improve the economic, social and environmental conditions of the area nor does it comply with the development plan and therefore does not comprise sustainable development. There were no amendments to the scheme, or conditions which could reasonably have been imposed, which could have made the development acceptable and it was therefore not possible to approve the application. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

Recommendation: Refuse

Conditions and Reasons:

- 1 The proposed development would introduce a discordant feature into the Ramsbottom Conservation Area where it is the intention of the Local Planning Authority to secure a high standard of development in relation to alterations to shop fronts by requiring the use of sympathetic and compatible building forms and materials. The proposal therefore conflict with the following policies of the Unitary Development Plan: EN2/1 Character of Conservation Areas, EN2/2 Conservation Area Control, EN1/8 - Shop Fronts.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
HP 04/08/2023		DM 04/08/23	