

DELEGATED REPORT

Report by Helen Leach	Date of report: 21/07/2022	Ref: 68281/LBC
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:	Adv Type: LBCA
Reason for Delay:		EIA: NA
N/A		Dec Level: DEL
		Stat Class: LBAL

Proposal: 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

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.

68280 - 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. Recieved - 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

Conservation Officer - No objections.

Pre-start Conditions - Not relevant.

Unitary Development Plan and Policies

EN1/1	Visual Amenity
EN1/2	Townscape and Built Design
EN2/1	Character of Conservation Areas
EN2/2	Conservation Area Control
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) 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.

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 and the NPPF.

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 the expiration of three years beginning with the date of this permission.
Reason - Required to be imposed pursuant to Section 18 of the Planning (Listed Buildings and Conservation Areas) 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

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