

DELEGATED REPORT

Report by Tom Beirne	Date of report: 14/08/2025	Ref: 72115/FUL
Registration: 30/06/2025	LDfC: 06/08/2025	Expiry Date: 25/08/2025
Site Visit: 12/08/2025	Site Notice: N/A	Press Date: N/A
Objections: 1	Con Area: HOLC	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Variation of condition no. 1 (approved plans) and Removal of condition nos. 2 (external finishing materials) and no. 3 (materials, construction and fitting) of planning permission 71334

Location: 10 Lumb Carr Road, Ramsbottom, Bury, BL8 4NW

Description

The application relates to a two storey stone built detached vacant house, recently subject to an approval for renovation and alterations under planning reference 71334. It is noted that the application was retrospective as work started on the property prior to making the planning application. The property was in a serious state of disrepair and covered in Ivy when the applicant purchased it in October 2024. The property is not listed but lies within Holcombe Village Conservation Area. The property immediately to the north (No.5 Cross Lane) is a grade 2 listed building.

The house fronts directly onto Holcombe Road and has a small rear yard area. Main pedestrian access is from the side.

The original approved scheme involved:

- Removing the render on the front elevation and treating the coursed stone, repairing and repainting.
- Re-rendering the side elevations.
- Replacing ground floor front window with timber framed window with mullions and stone head.
- Replacing first floor window with timber sash and case.
- Installing conservation rooflight on front roof plane.
- Replacing windows on side elevations - the larger windows using timber sash and case.
- installing timber canopy over the main entrance door on the west side.
- Re-roofing in slate.

Approval was given in January this year, subject to conditions relating to approved plans (condition No.1) and conditions requiring details of finishing materials (condition No.2) and details of windows (condition No.3)

Work has not progressed in accordance with the approved plans and the applicant now wants to amend the scheme by requesting the variation of condition 1 (approved plans) and the removal of conditions No.2 (samples/details of materials) and No.3 (details of windows).

The Heritage Statement, submitted with the application states that the front elevation of the property has been re-rendered instead of being left as stone because the stone, when exposed, was found to be in a poor condition. Photos of the stone were provided in the Heritage Statement.

The existing plastic windows have been retained and the majority of the stone setts to the

side have been removed and replaced with gravel. It is stated that this was done to improve drainage.

Relevant Planning History

71334 - Porch at side; loft conversion; new slate roof; flue on side elevation; roof light at front; remove existing render and re-render side and rear elevations and replacement windows on all elevations - Approved 17/01/2025

71650 - Discharge conditions 2 & 4 attached to planning reference 71334 - Approved 13/03/2025

Publicity

Immediate neighbours notified by letter dated 16/07/2025. Objection received and summarised:

The applicant has flagrantly ignored the PA agreed, which enforced that the front elevation facing the road be left in the original stone and not rendered.

The amended PA was unlawful as the first application, signed by Paul Lakin, was attached to the agreement, not the amended version.

The house is an eyesore in the village, as it has not been valid to enforce new appropriate windows to replace the ghastly modern plastic windows inserted longer than the necessary time to challenge. So this condition can be discarded

rightly – though most regrettably. The LPA as unaware of this limitation.....

Now the colour of the white paint on the sides is far too bright a hue. The cream colour of the front is completely out of tune with a cottage in an Article 4 Conservation Area – which mandates all colours must be agreed and place of application approved. Why is the chimney the same horrid cream contrasting on the side elevation in a most peculiar way ! The heritage cobbled yard is now no more, and is covered with a glaring yellow /orange modern mix, with appalling new gates at the far end.

The front elevation has had two modern presumably bright LED light fixtures, not Highlighting the porch, merely one guesses a cosmetic effect, to highlight the horrible developed cottage,, now not surprisingly for sale. Inappropriate lighting is now blighting the village, and this point has been raised with the Conservation officer – and must be seriously considered as detrimental consequence on the character of the village, with no enhancement or benefit generally.

Sad to see a section of the original flagstone stone roof removed when it could have been so easily been restored and preserved. One wonders if building control was aware of this action, and if not why not ? Control generally of this important development does seem to have been breathtakingly absent. Pleasing now enforcement is set to over ride this new PA.

Statutory/Non-Statutory Consultations

Conservation Officer - Recommends refusal - The conditions were imposed to ensure the character and appearance of the conservation area was at least preserved. If the plastic UPVc windows are not be replaced, it would maintain a negative feature on the building and would not preserve the character or appearance of the conservation area.

The requirement to re-render the front elevation instead of repairing and repointing the stone after the removal of the old render would not preserve or enhance the character or appearance of the conservation area. It would represent a missed opportunity to further enhance the character and appearance of the conservation area in accordance with paragraph 219 of the NPPF and section 72 (1) of the Planning (Listed Building & Conservation Areas) Act 1990 and preserve the character of the building.

Pre-start Conditions -N/A

Development Plan and Policies

NPPF	National Planning Policy Framework
H2/3	Extensions and Alterations
EN1/2	Townscape and Built Design
EN2/1	Character of Conservation Areas
EN2/2	Conservation Area Control

JP-P1	Sustainable Places
JP-P2	Heritage
EN2/3	Listed Buildings
EN1/1	Visual Amenity

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.

Policy Background - Chapter 16 of the NPPF (2019) relates to conserving and enhancing

the historic environment and states that Local Planning Authorities should take account of the significance of any heritage asset and the positive contribution it has. Any proposal should preserve or enhance the character of a conservation area unless there is clear and convincing justification. In weighing applications that directly or indirectly affect a heritage asset, in this case the conservation area, a balanced judgement will be required having regard to the scale of any harm and the significance of the heritage asset'.

The adopted policy document Places for Everyone, in particular Policy JP-P2 Heritage and UDP heritage policies EN2/1, EN2/2 and EN2/3 support the NPPF with regard to the Local Planning Authorities duty to protect the borough's heritage.

In May 2010, the Council as part of its duty under the Town & Country Planning (Listed Buildings and Conservation Areas) Act 1990 undertook an assessment of the Holcombe Conservation Area and produced the Holcombe Conservation Area Appraisal which provides guidance and a specific area context to the heritage policies.

Heritage and streetscape - The proposed plans, approved under planning reference 71334, indicated a scheme that would have been a significant improvement on the appearance of the property that has stood vacant for a number of years to the detriment of the streetscape and wider conservation area. The scheme included removing the rather unfortunate render on the front elevation and taking it back to the original stone finish. In addition, the existing plastic windows would be replaced with timber sash and case style and the roof would be retiled in slate.

The scheme has not been completed in accordance with the approved plans and associated conditions.

- The front elevation has been re-rendered in a cream render without approval of the Local Planning Authority.
- The West/side elevation has been painted, apparently in a lime wash. Again this does not accord with the approved plans and no details were submitted in accordance with the condition requiring the applicant to do so.
- The hardstanding to the west side has been replaced with a gravel without approval.
- Bat boxes have not been installed on the side/gable elevations as required by condition No.4.

The conditions were imposed to ensure the character and appearance of the conservation area was at least preserved, if not improved. It is clear that retaining the render on the front elevation, keeping the plastic UPVC windows and replacing the stone setts to the side of the building with gravel would have a detrimental impact on what is a prominent building within the conservation area and next to a listed building and would not preserve or enhance the conservation area's character or appearance.

It is noted that the applicant previously applied to discharge conditions 2 and 4. With regard to condition 2, the applicant confirming the stone repointing and repairs to the front, a lime based render on the side elevations and the relaying of the existing stone setts at the side of the house. Condition 4 related to bats and confirmed the siting of bat boxes on either gable. It is clear that the conditions have not been complied with.

No strong evidence or qualified opinion has been submitted to prove that the condition of the existing stone on the front elevation was so poor as to require rendering as opposed to repairing and repointing that was originally proposed. The only evidence submitted has been a few photos with no supporting technical evidence from a suitably qualified person. As such it is not considered that this is sufficient to warrant relaxing the conditions of the original approval. It would represent a missed opportunity to further enhance the character and appearance of the conservation area in accordance with paragraph 219 of the NPPF and section 72 (1) of the Planning (Listed Building & Conservation Areas) Act 1990 and preserve the character of the building.

It is recommended that the request to amend condition No.1 relating to approved drawing is refused on grounds that the amendments would have a seriously detrimental impact on the character and appearance of the conservation area and setting of a listed building and conflict with the NPPF, Places for Everyone Policy JP-P1 and UDP Policies EN1/1 Visual Amenity, EN1/2 Townscape and Built Design, EN2/1 Character of Conservation Areas, EN2/2 Conservation Area Control.

It is recommended that the request to remove condition 2 relating to external finishing materials is refused as the condition reasonably requires the applicant to retain/repair the stone finish to the front and retain/relay the stone setts to the side. The painting of the side elevation has not been authorised, either by planning approval or condition discharge.

Windows - The original application proposed to replace the existing uPVC windows with more suitable timber framed, sash and case style windows. The existing windows have been in situ for well over the 10 years and therefore would be immune from enforcement. Whilst there is an argument to be made that the proposed timber windows should be installed in accordance with the originally approved plans, as the scheme was assessed as a whole with some 'less than ideal' elements allowed on the basis that the windows, and indeed the stone finish on the front, would be more appropriate within the conservation area, unfortunately it may be difficult to secure their installation. It should be noted however that if the windows remain, it is more important that other elements of the scheme are secured.

Residential amenity - The amendments to the approved plans and the removal of the conditions would not have a material impact on residential amenity.

Objection - The concerns of the objector are noted and, where relevant, are reflected in the reasons for refusal. The lights on the front and side elevations would not be considered 'development' and therefore the Local Planning Authority would have no control over this element.

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 variations to the approved scheme would have a seriously detrimental impact on the character and appearance of the conservation area and the setting of a listed building (No.5 Cross Lane) and conflict with the NPPF, Places for Everyone Policy JP-P1 and UDP Policies EN1/1 Visual Amenity, EN1/2 Townscape and Built Design, EN2/1 Character of Conservation Areas, EN2/2 Conservation Area Control and EN2/3 Listed Buildings.
- 2 Condition No.2 reasonably requires the applicant to provide details with regard to the retention/repair the stone finish to the front elevation, treatment of the side elevations and the retention/relaying of the stone setts to the side in the interests of

visual amenity and to preserve the character and appearance of the conservation area pursuant to policies Places for Everyone Policy JP-P1 and UDP policies EN1/1 Visual amenity, EN2/1 Character of Conservation Areas, EN2/2 Conservation Area Control and EN2/3 Listed Buildings. The removal of this condition would therefore not be appropriate and would have a seriously detrimental impact on the conservation area and the setting of a listed building ((No.5 Cross Lane).

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
Tom Beirne	14/08/2025	DM -	15/08/2025