

**DELEGATED REPORT**

|                                 |                                   |                                |
|---------------------------------|-----------------------------------|--------------------------------|
| <b>Report by</b> Claire Booth   | <b>Date of report:</b> 14/09/2023 | <b>Ref:</b> 69820/FUL          |
| <b>Registration:</b> 20/07/2023 | <b>LDFC:</b> 18/08/2023           | <b>Expiry Date:</b> 14/09/2023 |
| <b>Site Visit:</b> 08/08/2023   | <b>Site Notice:</b> 08/08/2023    | <b>Press Date:</b> 27/07/2023  |
| <b>Objections:</b> 1            | <b>Con Area:</b> RAMS             | <b>Adv Type:</b> CAAF          |
| <b>Reason for Delay:</b>        |                                   | <b>EIA:</b> NA                 |
| N/A                             |                                   | <b>Dec Level:</b> DEL          |
|                                 |                                   | <b>Stat Class:</b> MIOT        |

**Proposal:** External works/alterations including replacement/ new windows and doors

**Location:** 44-48 Bolton Street, Ramsbottom, Bury, BL0 9HX

**Description**

The application relates to the former Isherwoods Fine Furniture premises on the west side of Bolton Road, occupying nos. 44 - 48, Ramsbottom. The site is located on the corner of Markland Street. Central Street runs along the rear of the application site in a one-way direction, running south - north. Adjoining the property is Rammy Social, a bar/ restaurant.

The site is located within Ramsbottom Conservation Area.

The site is located along Bolton Street which is one of the main shopping frontages in the town. The site is surrounded by typical town centre uses, such as commercial, business and mixed uses with active uses on the ground floor and residential on the upper floors.

The main access to the premise is along Bolton Street, with level access provided along Markland Street. There is also a separate access along the rear elevation onto Central Street and along the southern elevation into a small external gated area (see existing plans). The windows and doors along the rear façade have been infilled and boarded up.

Permission is sought for:

- The insertion of 16 No. rooflights; 8 rooflights on the front roofslope, 8 roof lights on the rear roof slope;
- Replacement of existing single glazed timber windows with double glazed timber windows;
- Re-opening of historic openings,
- Insertion of a new first floor window on the Markland Street elevation, the gable;
- Alteration of two small first floor windows on the gable to form a single larger window;
- Infill existing side door along southern elevation and raise levels to create small external courtyard

The submitted plans are not labelled so it is unknown what rooms or uses the existing or proposed windows and doors would serve.

**Relevant Planning History**

69955 - Prior approval for change of use of first and second floors from commercial (Class E) to 7 no. residential units (Class C3) and part of the ground floor to create separate residential access and bin storage - Under consideration.

**Publicity**

Due to the site being located within Ramsbottom Conservation Area, the proposed external alterations have been advertised both by Press Notice and Site Notice. Surrounding properties have also been notified by letter.

One representation has been received which raises concerns over where future residents would park. This concern is not a matter for consideration under this application and seems to relate to application 69955 which is currently under consideration by the Local Planning Authority (LPA).

**Statutory/Non-Statutory Consultations**

Conservation Officer - Raises objections.

**Pre-start Conditions** - Not applicable.

**Unitary Development Plan and Policies**

|       |                                    |
|-------|------------------------------------|
| Area  | Bolton Street/Bridge Street        |
| RM3   |                                    |
| EN1/1 | Visual Amenity                     |
| EN1/2 | Townscape and Built Design         |
| EN2   | Conservation and Listed Buildings  |
| EN2/1 | Character of Conservation Areas    |
| EN2/2 | Conservation Area Control          |
| NPPF  | National Planning Policy Framework |
| NPPG  | National Planning Policy Guide     |

**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.

## **Assessment**

### **Sites Location in the Conservation Area**

The first consideration in the assessment of this application is the Planning (Listed Buildings and Conservation Areas) Act 1990. Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states, that in the exercise of planning functions special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.

UDP Policy EN2 seeks to preserve the Boroughs built heritage. UDP EN2/1 seeks to preserve and enhance the character and appearance of the conservation area.

Paragraph 199 of the National Planning Policy Framework (NPPF) requires 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.

Paragraph 203 of the NPPF states the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Paragraph 202 of the NPPF states where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

The application site is within Ramsbottom conservation area (a designated heritage asset) and is part of the row of 44 to 72 Bolton Street which is a Non-Designated Heritage asset (NDHA).

The terrace row is of two storey, constructed from local stone with slate roofs and makes a strong positive contribution to the special distinctiveness, character and appearance of the conservation area.

Ramsbottom is a good example of a northern mill town in the higher reaches of the River Irwell valley with topographical character and the vernacular materials and design of its built form born from the underlying geology of the area being in carboniferous sandstone.

The built form in the lower parts of the town centre is predominantly two storey constructed from local stone, in a linear layout with uniform size and scale. It is these features that create the special distinctiveness and character of the conservation area which requires special consideration to its protection when considering development affecting this distinctiveness and its setting.

The terrace is largely unaltered and is a good example of the vernacular architecture, simple form and function of a Lancashire mill town, which does not include rooflights as an historic architectural feature. The addition of the rooflights on both the front and rear roofslopes would represent an incongruous architectural feature on the building which would have wider views in that part of the conservation area from Bolton Street, Central Street and Callender Street. There is no historicism in the addition of rooflights in this part of the conservation area.

It is noted that there are rooflights within the conservation area, however, these either pre-date the Ramsbottom Conservation Area Appraisal and Management Plan and the NPPF, or have been inserted without planning permission and are now immune from planning enforcement action.

In the case of this, the property is highly visible in the public realm, with the front elevation being on Bolton Street, the rear elevation being on Central Street and the Gable/ Side Elevation being on Markland Street.

Views of the front roofscape of the terrace to which the application forms part, is visible from mid-range views as you approach the site from the north. The rear roofscape is more visible from the public realm, from higher ground, on Rothwell Street, and from the historic steps leading up from Central Street to Rothwell Street, Calendar Street and the streets beyond. The introduction of roof lights on the rear roofscape of the application site would detract from the solidity of the roof form in this location to the detriment of the character and appearance of the conservation area.

As well as the LPAs concerns with the proliferation of roof lights, the proposed window alterations and new door openings, in particular the addition of the large square window to the rear elevation at ground floor level, which would be disproportionate to and out of rhythm with the existing window openings, and would cause harm to the architectural significance of the NDHA and would be a negative feature within the conservation area. Similarly, the new door proposed at ground floor at the rear would look overly domesticated and detract from the character and appearance of the host building and this part of the conservation area. Similarly, the proposed new first floor window to the main gable facing Markland Street is positioned too centrally and appears overly domesticated, for the character of this property. Overall, the proposed alterations would cause harm to the architectural significance of the NDHA to an unacceptable level.

The proposed alterations would not preserve or enhance the character or appearance of the conservation area and as such would represent less than substantial harm and although there would be some public benefit in the property being re-occupied, this would not outweigh the harm identified to the NDHA and the character and appearance of the conservation area. The proposal therefore cannot be supported in heritage term as it would not comply with adopted Bury UDP policies EN2/1 – Character of Conservation Areas and EN2/2 – Conservation Area Control, paragraphs 199, 202 and 203 of the NPPF and would also not accord with the requirements of Section 72 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

#### Design and Visual Amenity

UDP Policy EN1/2 concerns itself with the design of developments and their impacts on townscape with UDP Policy EN1/1 seeking development that would not have a detrimental impact on visual amenity.

It is clear from the description above, that the proposals would cause visual harm to both the character and appearance of the host building, the street scene and the locality in which the application site is set. The proposals therefore fail to accord with the above-mentioned policies.

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Due to the application relating to only external alterations of the building and the application failing to provide labelled floor plans, there are no other material planning considerations to consider for these proposals.

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

Where appropriate the council will seek to engage with applicants to resolve concerns over development proposals either before the application is submitted as promoted by paragraph 39, or during the consideration of the application as promoted by paragraph 38 of the NPPF. However, in some circumstances it will not be possible to resolve these concerns and so a refusal of the application is necessary due to the environmental / social / economic harm that will be caused by the development as identified in the reasons for refusal. In these circumstances an application is refused to enable the overall speed and quality of the council's decisions to be maintained.

**Recommendation:** Refuse

### **Conditions and Reasons:**

- 1 The proposal, by virtue of the proliferation of roof lights on both front and rear roofslopes, the discordant and overly domestic placement of new windows and doors, and the harmful treatment of re-opening historic windows, cause harm to the character, appearance and architectural significance of the host building, a non-designated heritage asset (NDHA), and would fail to preserve or enhance the character and appearance of this part of Ramsbottom Conservation Area. The proposal is therefore contrary to Policy EN2/1: Character of Conservation Areas and Policy EN2/2: Conservation Area Control, of the Bury Unitary Development Plan and the National Planning Policy Framework.
- 2 The proposal, by virtue of the proliferation of roof lights on both front and rear roof slopes, the discordant and overly domestic placement of new windows and doors, and the harmful treatment of re-opening historic windows, cause harm to the visual qualities of the street scene when viewing the property from Bolton Street, Markland Street and Central Street. The proposal is therefore contrary to Policy EN1/1: Visual Amenity and Policy EN1/2: Townscape and Built Design, of the Bury Unitary Development Plan and the National Planning Policy Framework.

|                     |             |                         |             |
|---------------------|-------------|-------------------------|-------------|
| <u>Case Officer</u> | <u>Date</u> | <u>Sign off Officer</u> | <u>Date</u> |
| CB - 13/09/23       |             | HL                      | 14/09/23    |