

DELEGATED REPORT

Report by Mark Kilby	Date of report: 27/04/2022	Ref: 68164/LBC
Registration: 03/03/2022	LDFC: 28/03/2022	Expiry Date: 28/04/2022
Site Visit: 12/03/2022	Site Notice: N/A	Press Date: 10/03/2022
Objections: 0	Con Area: N/A	Adv Type: ALB
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: LBAL

Proposal: Listed building consent to replace windows and door on rear elevation and retention of new slate roof on rear porch

Location: 300 Stand Lane, Radcliffe, Manchester, M26 1JB

Description

Number 298 and 300 Stand Lane was originally a single villa from the late 18th century, with alterations in the 19th century. Split into two dwellings (298 & 300) in the 20th century. It is considered its principle heritage value lies in its age, internal and external architectural aesthetic. The external architectural aesthetic applies principally to the front elevations of the two properties and as such the significance of the rear elevation is moderately low.

The proposal is to replace two first floor windows on the rear elevation which form one side of an internal courtyard to the group of buildings 1, 2, 3, 4 & 5 Woodley and 302 Stand Lane which are not listed and to retain a new blue slate roof to the circa 1960s built porch also to the rear elevation.

The existing windows are of mock sash UPVc construction and the porch previously had a half rosemary tile and half frosted glass roof.

The replacement windows would be double glazed of timber construction painted white with either a top or bottom sliding sash and would be set with the same set back in the window opening as the existing windows. They would be of a late Georgian design and represent some historicism to the period the building was constructed. Details have been submitted for the replacement windows.

Relevant Planning History

45699 - DEMOLITION & REBUILDING OF SINGLE STOREY PORCH EXTENSION AT REAR - Approve with Conditions 06/02/2006

45700 - LISTED BUILDING CONSENT FOR DEMOLITION & REBUILDING OF SINGLE STOREY PORCH EXTENSION AT REAR & INTERNAL ALTERATIONS - Approve with Conditions 06/02/2006

67800 - Listed building consent to replace windows and door on rear elevation - Withdrawn - Invalid 03/02/2022.

Publicity

Letter dated 4/3/2022 and amended letter dated 18/3/2022 to nearby addresses.

302 Stand Lane. Support: support the application and feel it will improve the house and the area considerably.

Press notice - 10/3/2022 - No objections or comments received.

Site notice - 12/3/2022 - No objections or comments received.

Statutory/Non-Statutory Consultations - None

Pre-start Conditions - None.

Unitary Development Plan and Policies

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.

Listed Building

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 require decision makers to have special regard to the desirability of preserving a listed building or its setting or any feature of architectural or historic interest it possesses. The decision maker must also give considerable importance and weight to the desirability of preserving the setting of the listed building.

Paragraph 202 of the National Planning Policy Framework 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 proposals amount to replacement of windows and retention of a slate roof to the external fabric of the building. The proposed replacement windows would be an improvement on the existing windows by virtue of their design and materials and double glazing would not create a level of light reflection when viewed from the virtually private courtyard area with no views from public areas that harm the significance of the building. The retention of the slate roof to the porch would represent a level of historicism that would not harm the significance of the building. As such it is not considered the proposals meet the test in paragraph 202 of the NPPF that the proposal will lead to less than substantial harm to the significance of the building, however it will provide the public benefit of preserving the buildings' significance for future generations.

The proposed works would comply with Bury UDP adopted policy EN2/3 - Listed Buildings and paragraphs 194, 195, 199, 200 and 202 of 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; Existing and proposed rear elevation, Section drawing of replacement windows set back, sample photographs of replacement timber windows 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.

<u>Case Officer</u> Mark kilby	<u>Date</u> 27/4/2022	<u>Sign off Officer</u>	<u>Date</u>

DELEGATED REPORT

--	--