

DELEGATED REPORT

Report by Jennie Townsend	Date of report: 03/02/2025	Ref: 71462/NON
Registration: 08/01/2025	LDfC: 30/01/2025	Expiry Date: 05/02/2025
Site Visit:	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: NONE
Reason for Delay:		EIA: NA
N/A		Dec Level: DEL
		Stat Class: MIDW

Proposal: Non-material amendment following grant of planning permission 65664 - Changes to front elevation, reduce corbel detail

Location: Old Hall, Lower Chesham, Bury, BL9 6BX

Description

The site relates to the curtilage of a Grade II* Listed early 17th Century Building, Lower Chesham Hall which comprises a 0.28 hectare site. The site is accessed via a narrow street, Chesham Crescent off Bell Lane which not only serves the development site but also St Paul's Court, a private nursing home, to the west. To the south of the site is a row of terrace houses which front Bell Lane and to the east are houses on Brighton Street.

Planning permission was granted for a residential development for 3 No houses with associated access, car parking and landscaping works to facilitate cross funding for the restoration and repair of the Hall.

This application seeks a non-material to the original permission ref 65664 for changes to the front elevation to reduce the parapet detail.

Relevant Planning History

02221/E - Erection of 4 no. dwellings - Enquiry completed 11/11/2019

51605 - Erection of 3 terraced dwelling - Refused 2009

50028 - Construction of four terraced houses on part of the garden of the Old Hall - Refused 2008

65664 - Residential development for 3 no. dwellings with associated access, car parking and landscaping works to allow cross-funding renovation and repair of Lower Chesham Hall - Approved 2/3/21

Publicity

N/a

Statutory/Non-Statutory Consultations

Conservation Officer - no objection

Historic England - No comments

Pre-start Conditions - Not relevant

Development Plan and Policies

NPPF National Planning Policy Framework

H1/2 Further Housing Development

H2/1 The Form of New Residential Development

H2/2 The Layout of New Residential Development

H2/6 Garden and Backland Development

EN1/2 Townscape and Built Design

EN2/3	Listed Buildings
EN6/3	Features of Ecological Value
HT2/4	Car Parking and New Development
HT6/2	Pedestrian/Vehicular Conflict

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.

Design and heritage impacts

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The minor amendment is for the omission of the two central sloped parapet walls for reasons of buildability.

With regard to this change in design it is considered that it would not cause any further harm to the setting of the Grade II* listed Old Hall leading to any further loss of significance that has already been identified by development within its setting, but assessed as acceptable in the balancing of the public benefit provided in securing the restoration and removal from the Heritage at Risk Register of a nationally significance heritage asset.

As such the proposed amendment is considered non material and acceptable with regard to the conservation of the listed building.

The application can therefore be considered non material to the approved scheme ref 65664.

Recommendation: Approve

Conditions and Reasons:

The proposed amendments for the change to the parapet detailing would not affect the character of the originally approved scheme and there would be no adverse impacts on the historic character and heritage importance of the Grade II* Listed Building. The development would still be in accordance with the principles of planning permission reference 65664 and the policies against which it was approved.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JT	3/2/25	DM	04/02/2025