

DELEGATED REPORT

Report by Claire Booth	Date of report: 28/08/2024	Ref: 70832/FUL
Registration: 24/06/2024	LDfC: 26/07/2024	Expiry Date: 19/08/2024
Site Visit: 29/07/2024	Site Notice: 29/07/2024	Press Date: 11/07/2024
Objections: 1	Con Area: RAMS	Adv Type: CA
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: COUS

Proposal: Change of use from vacant warehouse to pilates studio; and replacement of first floor opening to a glazed window

Location: 6 Paradise Street, Ramsbottom, Bury, BL0 9BS

Description

The application relates to no. 6 Paradise Street, Ramsbottom, formerly known as Paradise Works. It is a traditional 2 storey stone faced gable fronted commercial building located within Ramsbottom Conservation Area. Paradise Street is a cobbled highway.

The application site/ building is located between a garden area to the side of no. 8 Paradise Street, a three storey property known as 'The Model', which was historically a Lodging House (no. 8 Paradise Street) and a range of modern flat roof garages that abut both the host building and infill the gap between the application site and no. 4 Paradise Street. The application site overlooks a car park and apartments within in a former Methodist Church, Market Place.

To the rear of both the application site and neighbouring properties is a area of land that allows vehicular access to the rear of the application site. The LPA was unable to access the rear of the building due to the gated nature of the land at the rear. The rear yard areas of properties on Crow Lane abut this land.

The application property has a timber panelled door at ground floor level and has a boarded up vertical opening at floor level above the traditional timber door. It also has first floor windows in its side elevation.

Planning permission is sought to change the use of the building from a vacant Warehouse to a Pilates Studio, including the insertion of a window in the first floor original opening.

The application initially sought to replace the timber door with a UPVC door, however, during the course of this application it was agreed between the applicant and LPA that the existing door will be retained, repaired and re-painted, in order to preserve and enhance this traditional industrial warehouse door, which contributed to the character and appearance of the building and the conservation area in which it is set.

Relevant Planning History

50256 - First floor and two storey side and rear extension. Withdrawn, 04/09/2008

Publicity

The application has advertised by site notice, dated 29 July 2024 and 29 nearby properties have been sent notification letters.

One representation has been received raising the following points:

- They assert the area of use seems quite small compared to the size of the building. They assert that they application should detail what the plans are for the rest of the space.
- Mentions that there is no mention of opening days/hours.
- Parking is already a problem on Paradise street with a mix of residents, local workers and shoppers regularly using it. There is a private car park adjacent but given motorists general reluctance to pay perhaps the applicant could be obliged to reserve some bays for customer use.
- As this property has been, up till now, a commercial premises there is also a concern that if this application is approved they question what might come next in what is a fairly quiet and increasingly residential street.

Statutory/Non-Statutory Consultations

Traffic Section - No objections

Waste Management - No comments or observations received.

Environmental Health - Pollution Control - No comments or observations received.

Conservation Officer - No objections, provided first floor opening has a timber industrial style window and the existing ground floor door is retained, and where necessary, retained.

Pre-start Conditions - Not relevant

Development Plan and Policies

Area	St Paul's/Crow Lane
RM2	
EN1/2	Townscape and Built Design
EN2/1	Character of Conservation Areas
EN2/2	Conservation Area Control
EN7/2	Noise Pollution
JP-C8	Transport Requirements of New Development
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), 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.

Principle of Development

The site is located within Ramsbottom Town Centre within Area RM2: St Paul's/Crow Lane, as defined within the adopted UDP. This policy primarily supports maintaining and enhancing the residential uses present within this part of the Town Centre, but also supports community facilities.

The property was historically in use as a Warehouse (Paradise Works), as were other properties running both along Paradise Street. However, the proposal seeks to use the building to run Pilates classes, which would be used by the community. In principle, the proposal is therefore acceptable.

Impact on Character and Appearance of 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 Act 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.

The property has a traditional sturdy timber door, that was found on traditional mill buildings. This door appeared to be solid and in good condition. At first floor level within the street facing gable is a vertical opening that is boarded up. This is designed and is of a height where it is likely a winch or similar would have been used to get things stored on the first floor level of the building. The application initially sought to insert a UPVC window within the first floor opening and to replace the existing timber front door with a UPVC door.

Modern materials dilute the character of the conservation areas. The LPA therefore

requested the existing ground floor door be retained and, where necessary, repaired, and that a timber window in an industrial/ non-domestic style be inserted in the first floor opening in the elevation of the building fronting Paradise Street. The applicant has agreed to do both and final amended plans have been received on the 23 August 2024 indicating that the existing timber warehouse door is to be retained and showing the design of the proposed first floor window, which seeks to reflect the industrial heritage of the property and the simple form of this gable elevation.

Given the above, the proposals would maintain the status quo and result in an enhancement to the appearance of the first floor opening and the Paradise Street elevation of the building. The proposal therefore accords with the requirements of Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the NPPF, and UDP Policies EN2/1: Character of Conservation Areas and EN2/2: Conservation Area Control.

Amenity

The property is on the opposite side of the cobbled road to the rear of the former Methodist Church, that was converted to apartments (Aderstone Mansion). The buildings are separated by a distance of approximately 17 metres.

The first floor opening is an existing opening on a traditional building that has been in existence since approximately the late 1890's, and is present on the 1893 historic map. The opening could be filled with glass today without planning permission. The LPA therefore has no justifiable planning reasons to resist the application on this ground.

In respect of opening hours, the current authorised use of the building is as a Warehouse, i.e. for industrial storage and operations. The proposed opening hours are:

06:30 - 20:00 - Monday - Friday

09:00 - 12:00 - Saturdays

The business will not open on Sundays, or any Bank or Public Holiday.

The proposed use seeks to operate only within the traditional stone building which would provide insulation for sound, particularly as this application site is a detached property.

Given the limited size of the traditional stone building, the comings and goings of patrons/ visitors to the Pilates Studio, and due to the daytime hours proposed, the proposed use would not cause demonstrable harm to the amenity of occupiers of the former Methodist Church, Aderstone Mansion.

The proposal is therefore considered to be acceptable and in accordance with criterion b) of UDP Policy EN1/2: Townscape and Built Design and UDP Policy EN7/2: Noise Pollution.

Highway Safety

The application site is located within Ramsbottom Town Centre, where on-street car parking and car parking exists. The representation raises that car parking is an issue on Paradise Street.

The Local Highway Authority were consulted on this application, and given the authorised industrial use of the building likely causing more, or similar traffic movements. Moreover, the site is located within a relatively central location of the Town Centre, just off the main thoroughfares, where both on-street car parking and public car parks exist. Accordingly, they raised no objections to this proposal.

Conclusion

Taking account of all of the above, the proposal is thus recommended for approval, subject to planning conditions securing a timber first floor window, and the proposed opening hours.

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 from the date of this permission.

Reason: To comply with the requirements of section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 This permission relates to the following plans:

Drawing no. 1265-02-03-02: Proposed Plans

Drawing no. 1265-02-04-02 Rev. D: Proposed Elevations

Except as provided for by other conditions to this permission, the development shall be carried out in complete accordance with the approved drawings.

Reason: For the avoidance of doubt and to ensure a satisfactory standard of development in accordance with the policies contained within the Bury Unitary Development Plan and the National Planning Policy Framework.

- 3 The use hereby permitted shall not be open to customers outside the following times: 06.30 to 20.00 on Mondays to Fridays and 09:00 - 12:00 on Saturdays; and there shall be no operation on Sundays, Bank or Public Holidays.

Reason. To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to Policies EN2/1(b) - Townscape and Built Design of the Bury Unitary Development Plan and EN7/2 - Noise Pollution of the Bury Unitary Development Plan, and the National Planning Policy Framework.

- 4 The new window in the original first floor opening to the Paradise Street elevation of the building to which this permission relates shall be timber and in the style shown on the approved drawings.

Reason. In order to preserve the special architectural or historic interest of the building and the conservation area in which it is set, in accordance with Policies EN2/1: Character of Conservation Areas and EN2/2: Conservation Area Control 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	28/08/2024	DM -	29/08/2024