

DELEGATED REPORT

Report by Jennie Townsend	Date of report: 29/08/2025	Ref: 72111/FUL
Registration: 26/06/2025	LDFC: 15/08/2025	Expiry Date: 21/08/2025
Site Visit: 22/07/2025	Site Notice: 22/07/2025	Press Date: 24/07/2025
Objections: 0	Con Area: RAMS	Adv Type: CA
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: COUS

Proposal: Change of use from restaurant (Class E(b)) to coffee shop/hot food takeaway (Sui Generis) and installation of flue to the rear elevation.

Location: 9 Bolton Road West, Ramsbottom, Bury, BL0 9NA

Description

The application relates to an end terraced property which is located in a Local Shopping Centre and Ramsbottom Conservation Area.

The current lawful use is a restaurant at ground floor with a separate self-contained flat above. There are a mix of uses on the same row which comprise a beauty salon, pub/bar (Holcombe Tap), haberdashery and funeral directors, the end properties on the other end of the row are dwellings.

Next to the application property is a car park which is owned by Holcombe Tap. Behind the car park and the site are residential dwellings.

The property itself is 2 storey with a 2 storey rear outrigger and small rear yard. Access to the flat is via a door from the back yard area.

The application seeks the change of use from restaurant (Class E) to coffee shop/hot food takeaway (Sui Generis) and installation of a flue to the rear elevation.

The total amount of floorspace is 52 sqm with the public area providing 28 sqm.

The flue would be located on the rear elevation of the main part of the building, next to the first floor window.

Hours are stated as 0800 to 21:30 Mondays to Saturdays and 09:00 to 21:30 Sundays/Bank Holidays.

Relevant Planning History

01797/E - Proposed change of use from cafe to restaurant - Enquiry completed 14/01/2016

01947/E - Pre-application enquiry for proposed security roller shutter - Enquiry completed 01/02/2017

02738/E - Change of use from restaurant/cafe to takeaway - Enquiry completed 04/01/2024

59764 - Prior approval for proposed change of use from shop (A1) to cafe/restaurant (A3) - Prior Approval Required and Granted 07/04/2016

61760 - Variation of condition 6 of planning permission 59764 to amend the opening hours from: The use hereby permitted shall not be open to customers outside the following times - 12:00 to 23:00 Mondays to Saturdays and 10:00 to 18:00 on Sundays.

To: The use hereby permitted shall not be open to customers outside the following times - 7:30 to 23:00 Mondays to Fridays, 8:30 to 23:00 Saturdays and 9:00 to 18:00 on Sundays.

- Approve with Conditions 01/09/2017

61932 - Security shutter to front elevation - Refused 06/11/2017

17/0007 - Security roller shutters have been erected - 05/01/2017
25/0187 - Unauthorised development - 27/06/2025

Publicity

Letters sent to 23 properties.
Site notice posted 22/7/25
Press advert 24/7/25

No responses received as a result of the publicity.

Statutory/Non-Statutory Consultations

Traffic Section - No objection

Conservation Officer - No objection

Environmental Health - Pollution Control - No objection subject to conditions

Waste Management - No response received.

Public Health - Would like consideration of healthy options and opening times for children

Pre-start Conditions - Applicant/Agent has agreed with pre-start conditions

Development Plan and Policies

NPPF	National Planning Policy Framework
EC4/1	Small Businesses
EN1/2	Townscape and Built Design
EN7/2	Noise Pollution
HT2/4	Car Parking and New Development
JP-S5	Clean Air
SPD11	Parking Standards in Bury

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

The relevant retail UDP adopted policy of S1/4 - Local Shopping Centres states the Council will seek to maintain and enhance local shopping centres and will encourage the provision of a range of shopping facilities required to serve purely local needs.

The proposal would not result in the loss of a Class E use but would introduce an element of hot food takeaway. High streets have changed with regards to their function and land use characteristics and a cafe/hot food takeaway in this locality, offering flexible services, is considered to contribute to the vitality and viability of the centre.

As such, the proposal is considered to comply with Policy S1/4 and the principles of the NPPF.

Residential amenity

Whilst set within a Local shopping Centre, there are residential properties nearby and flats above the shops in this centre. There is also a self-contained flat above the application property which the applicant has confirmed is in their ownership and used as a store/staff room facility.

The flue would be located next to a main first floor window but as the flat is not occupied and owned by the applicant, it is considered that there would not be a detrimental harm to siting it in this position. Should the flat be occupied in the future, the resident would be aware of the flue before committing to any tenancy agreement.

The applicant has provided an odour and noise assessment. The Pollution Control Team have commented that the flue specification would be acceptable and recommend conditions to control noise and odour from the premises which has been agreed by the applicant.

In terms of hours of operation, the applicant has applied for 0800 to 21:30 Mondays to Saturdays and 09:00 to 21:30 Sundays/Bank Holidays. Given the modest size of the proposed development and its location within a Local Shopping Centre, it is considered that the level of activity would not cause significant harm to local residents and the proposed hours would be acceptable.

It is therefore considered the proposed development would comply with EC4/1, EN1/2, EN7/2 and JP-S5.

Visual amenity

The flue would be site on the rear elevation of the property and as such would not be visible in the streetscene on Bolton Road West.

Although it would be visible from the junction with Dundee Lane and Nuttall Lane, views would be from a longer distance. At the rear, there would not a direct interface between the flue and windows to residential properties in the surrounding area.

The flue would be finished in a matt black and therefore less noticeable within the area which the applicant is happy to accept through a condition.

It is therefore considered that there would not be a significant harm to the visual amenities of the area and the development would accord with policies EN1/2, EC4/1 and S2/6.

Conservation Area

The proposed change of use would promote the vitality and viability of the Local Centre and by continued occupation, would protect the longevity and preserve the character of the Conservation Area in compliance with policies EN2/1 and EN2/2.

The NPPF states that in determining applications, the LPA should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation and as such the proposed development is considered to promote this principle.

The flue would be finished in a matt black and the type and size of flue has previously been accepted through the grant of a Prior Approval application (ref 59764) and as such the proposal is considered acceptable.

The proposed development is therefore considered to preserve the character of the Conservation Area and comply with policies EN2/1, EN2/2 and the principles of the NPPF.

Highways

SPD11 requires 1 space per 20 sqm of public floor area for a hot food takeaway (equating to 1.5 spaces) and 1 space per 15 sqm of public floor area for a cafe/restaurant (equating to 2 spaces).

There is no dedicated parking as such for the proposed development. However, there is a car park directly adjacent to the site which is owned by Holcombe Tap and the applicant has secured an agreement with the owner of this business whereby customers would have use of the car park for a 15 minute pick up slot without getting a ticket. Staff cars have also been added to the camera system which would monitor those who use the car park.

Operating as both a takeaway and cafe/restaurant, some trips would be quick and short and others for a longer time. The property is located in a Local Centre to serve local needs and not all visitors would arrive by car. There is some on street parking in the locality and the site is also on a main bus route.

Given the scale of development and its location, the agreement with the adjacent business and given encouragement of sustainable modes of transport advocated in the NPPF, it is considered the proposed development would be acceptable.

In terms of deliveries and servicing, it is considered that the proposal to introduce a takeaway element would not result in a significant increase to deliveries or servicing operations.

The Highway section have been consulted and have no objection to the proposal.

As such, the proposed development is considered to be acceptable and comply with policies EC4/1 and HT2/4.

Public health

No issues with the proposed use but request hours are restricted when school children finish school for the day and would like healthy options to be provided.

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

The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. 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 three years beginning with the date of this permission.
 Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
- 2 This decision relates to drawings -

 Proposed floor plans and elevations (Dwg no. 04/05-02) rev C (flue indicative only)
 Proposed flue - technical details plan PDP-0073 rev A
 Site location plan

 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 and Places for Everyone Joint Development Plan listed.
- 3 Noise from or associated with the proposed activity/development hereby permitted shall not increase the prevailing ambient noise levels as measured at the boundary of the site.
 Reason. To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to Policies EN1/2 and EN7/2, .
- 4 Within 60 days of the development hereby approved, a scheme for treating, diluting and dispersing fumes and odours shall be submitted to and approved in writing by the Local Planning Authority. The scheme submitted shall include a written statement from a suitably qualified person who is a member of the Heating and Ventilation Contractors Association (HVCA) or an equivalent professional body, stating that the fume treatment to be installed complies with or exceeds the 'Minimum Requirements For Odour Control' provided by the Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems :DEFRA 2005 (or if applicable such superseding guidance as shall prevail at the time of commencement of the development).

The scheme to be submitted shall also include the relevant manufacturer and installer instructions for any associated equipment with details of maintenance requirements.

The installation shall be so designed such that the maximum noise emitted does not exceed NR25 (Noise Rating) in the bedrooms of the nearest residential property, with the windows of that residential property being open in the normal manner for ventilation purposes.

The scheme as approved shall be fully implemented and made available for use prior to first use of the development hereby approved and shall be maintained in accordance with the approved scheme whilst it shall serve the development.

Reason. The application contains insufficient detail in order to demonstrate that the required scheme would maintain the residential amenities of nearby residential property from impact upon from fumes and odour pursuant to Policy S2/6 and JP-S5.

- 5 The flue hereby approved shall be finished in a matt black colour and shall thereafter be maintained.

Reason. In the interests of visual amenity and to preserve the character of the Conservation Area pursuant to policies EN1/2, EN2/1, EN2/2 and JP-P2.

<u>Case Officer</u> JT 29/8/25	<u>Date</u>	<u>Sign off Officer</u> HL - 29/0/8/2025	<u>Date</u>
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