

Bury Metropolitan Borough Council
Development Control
The Planning Service
3 Knowsley Place
Bury
BL9 0EJ

30th July 2023

Dear Sir or Madam,

RE: Application for Prior Approval for change of use of upper floors from Commercial (Use Class E) to 7 x Residential Units and part of the ground floor to create separate residential entrance and bin store (Use Class C3) under Class MA. (External changes submitted under separate planning application ref. 69820)

Nos. 44-48 Bolton Street, Ramsbottom, BL0 9HX

Firsmount Ltd (the Applicant) seeks Prior Approval from Bury Council under Class MA, Part 3, Schedule 2 of the Town & Country Planning (General permitted Development) (England) Order 2015 (as amended) for the proposed change of use of the upper floors from commercial to 7 x residential units (Class C3) and part of the ground floor to create a separate residential entrance and bin storage at nos. 44-48 Bolton Street, Ramsbottom.

A separate planning application for external changes to facilitate the conversion to residential was submitted to the Council in June 2023 (application ref. 69820) and is pending determination with decision due on 14th September 2023.

The Site

The site comprises a 2-storey building with pitched roof. The building was extended in the past with a two-storey rear extension. The pitched roof has been fitted out and utilised as a storage area. The site also includes a small basement.

The premises have been occupied by a furniture shop with ancillary storage, office and back of house provided on the upper floors. The furniture shop has been closing down since early 2023 and will be vacating the premises imminently. The upper floors are already vacant and there is a final 'close down' sale happening on the ground floor.

The site is located in the Ramsbottom Conservation Area, and Nos. 44 to 72 Bolton Street, Ramsbottom are identified on the Council's 'draft local list of buildings of special architectural or historic interest' which was subject to public consultation in 2019.

However, the building is not a statutory listed building.



View of property from the corner of Bolton Street and Markland Street (Source: Google Maps)



View of the rear along Central Street (Source: google Maps)

Planning History

The site has the following planning history:

- 69820 - External works/alterations including replacement/new windows and doors
- 04/42483 - New shop front. Approved in 2004
- 93/28788 - Ground floor and first floor extension. Approved in 1993
- 93/28789 - Conservation Area Consent for the demolition of outbuilding to facilitate the construction of two-storey rear extension. Approved in 1993.

Proposed Development

The proposals involve the change of use of the upper floors from commercial (Class E) to residential to create 7 x residential units (Class C3) and the creation of a separate residential entrance point and bin storage area along the rear elevation on Central Street.

All flats will be a minimum of 37sqm and will meet the Nationally Described Space Standards (NDSS).

The proposed change of use mainly relates to the upper floors (with the exception of the access corridor and bin storage along the rear at ground floor) and will retain the majority of the ground floor as commercial floorspace including the main shop frontage along Bolton Street.

A separate planning application was submitted in June 2023 for external works / alterations to the façade for new/ replacement windows and doors. These minor external works are necessary to improve daylight/sunlight and the thermal and acoustic performance of the building envelope in order to achieve compliance with current Building Regulations.

Planning Assessment

Assessment against the qualifying criteria of Class MA

Before considering whether the prior approval of the Local Planning Authority is required, an assessment must first be undertaken to determine whether the proposal constitutes permitted development under the terms of Class MA.

M.1. – (1) Development is not permitted by Class MA if -		
A	unless the building has been vacant for a continuous period of at least 3 months immediately prior to the date of the application for prior approval;	The upper floors of the building have been vacant for over 3 months.
B	unless the use of the building fell within one or more of the classes specified in sub- paragraph (2) for a continuous period of at least 2 years prior to the date of the application for prior approval;	The building has been used as a furniture shop (Class E) for over a decade.
C	if the cumulative floor space of the existing building changing use under exceeds 1,500 square metres;	The cumulative residential floorspace on the upper floors is c. 410 sqm. The proposal therefore does not exceed 1,500sqm.
D	if land covered by, or within the curtilage of, the building— (i)is or forms part of a site of special scientific interest; (ii)is or forms part of a listed building or land within its curtilage; (iii)is or forms part of a scheduled monument or land within its curtilage; (iv)is or forms part of a safety hazard area; or (v)is or forms part of a military explosives storage area;	N/A Note: Listed building for the purpose of the Act means 'statutory listed'. Whilst the site is identified on the Council's 'draft local list', such a list has no statutory effect and does not affect the legal status of that building in any way. Inclusion of a building in a 'local list' does not afford it any formal legal protection.
E	if the building is within— (i)an area of outstanding natural beauty; (ii)an area specified by the Secretary of State for the purposes of section 41(3) of the Wildlife and Countryside Act 1981; (iii)the Broads; (iv)a National Park; or (v)a World Heritage Site;	N/A
F	if the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained; or	N/A
G	before 1 August 2022, if— (i)the proposed development is of a description falling within Class O of this Part as that Class had effect immediately before 1st August 2021; and (ii)the development would not have been permitted under Class O immediately before 1st August 2021 by virtue of the operation of a direction under article 4(1) of this Order	N/A

Assessment against the matters listed under MA.2. (2)

(a) transport impacts of the development, particularly to ensure safe site access;

The site is located in a highly sustainable town centre location with good access to public transport services and local amenities. The site does not have any on site car parking.

Given the scale and nature of the development, and its highly sustainable and accessible location by public transport, the proposal is unlikely to severely impact the operational capacity of the highway network and will provide safe site access and is therefore considered compliant with national and local planning policy.

(b) contamination risks in relation to the building;

The proposed change of use relates to the upper floors of the existing building, which have previously been in use as retail and associated storage area. This is a brownfield site located in a town centre location and there is no planning history that would indicate that the buildings were or are at risk of land contamination.

On this basis, there is considered to be no impact on land contamination.

(c) Flooding risks in relation to the building

The application site is located within flood zone 1 which means it is at the lowest risk of flooding. The development will not increase the level of hardstanding at the site and it is not considered that the proposed residential use will exacerbate flood risk in the area. The property will continue to be connected to the mains sewer.

The proposed change of use is therefore considered to have no adverse impact on flood risk.

(d) impacts of noise from commercial premises on the intended occupiers of the development;

The site is located on a high street which is characterised by a mix of commercial, business and residential uses. Mixed residential and commercial uses are typical characteristics of town centres and the two uses can co-exist harmoniously. There are a number of residential flats along Bolton Street within the upper floors of the buildings and as such, the impacts of noise from commercial premises on the intended occupiers of the development is considered to be acceptable.

The external works planning application (ref. 69820) for the site proposes double glazing for all windows to provide appropriate acoustic insulation and glazing measures to minimise external noise egress in line with Building Regulations.

Should the Council however consider it necessary, the applicant would be happy to accept a planning condition relating to compliance with internal noise levels.

(e) where— (i) the building is located in a conservation area, and (ii) the development involves a change of use of the whole or part of the ground floor, the impact of that change of use on the character or sustainability of the conservation area;

Whilst the site is located in the Ramsbottom Conservation Area, the change of use relates to the upper floors of the building and only to a very small part of the ground floor along the rear elevation that faces onto a back alley (Central Street) to create a separate entrance corridor and bin storage area for the proposed residential units on the upper floors. All external works to facilitate the change of use submitted under a separate planning application.

It is proposed to retain the majority of the ground floor as commercial / business use (Class E) and a continuous active frontage along the front and side elevations (Bolton Street and Markland Street), which are the main frontages visible from/within the Conservation Area. The proposed change of use at part of the ground floor is minor in scale and will have no negative impact on the character or sustainability of the Conservation Area.

Therefore, the proposals will have no negative impact on the character or sustainability of the conservation area.

(f) the provision of adequate natural light in all habitable rooms of the dwellinghouses;

A separate planning application (ref. 69820) for external works including new and replacement windows and doors to facilitate residential conversion of the building was submitted to the Council in June 2023 and is currently pending decision. The proposed external works will provide all habitable rooms with adequate natural light.

(g) the impact on intended occupiers of the development of the introduction of residential use in an area the authority considers to be important for general or heavy industry, waste management, storage and distribution, or a mix of such uses;

N/A

(h) where the development involves the loss of services provided by (i) a registered nursery, or (ii) a health centre maintained under section 2 or 3 of the National Health Service Act 2006, the impact on the local provision of the type of services lost [; and Impact of the change of use on the adequate provision of services

N/A

(i) where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building.

The proposals are below the height conditions in paragraph (3), read with paragraph (7), of article 9A (fire statements) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 as the buildings do not exceed 18 metres in height or over 7-storeys.

Conclusion

The proposals are considered to comply with the conditions and limitations of Class MA of the GDPO and therefore Prior Approval should be granted by the Council, subject to any necessary conditions.

Should you require any further information in relation to the above application, please do not hesitate to contact me at atwproperty@outlook.com.

Yours Sincerely,

Timothy Witt

(Agent, ATW Property Group)