

DELEGATED REPORT

Report by Jennie Townsend	Date of report: 23/06/2022	Ref: 68288/FUL
Registration: 01/04/2022	LDFC: 13/05/2022	Expiry Date: 27/05/2022
Site Visit: 07/05/2022	Site Notice: 07/05/2022	Press Date: 28/04/2022
Objections: 0	Con Area: RAMS	Adv Type: LBCA
Reason for Delay: N/A		EIA: NA Dec Level: DEL Stat Class: COUS

Proposal: Proposed change of use from existing public house (Sui Generis) to veterinary practice (Class E)

Location: Grant Arms Hotel, 11 Market Place, Ramsbottom, Bury, BL0 9AJ

Description

The application relates to the Grant's Arms, a Grade II Listed Building which is located within the Ramsbottom Conservation Area and is set in a prominent and elevated position in relation to the town centre.

The building is noted for its historical importance and significance within Ramsbottom in relation to the Grant's family and was formerly in use as a public house, restaurant and hotel.

The site slopes downwards from north to south and the building is split level, to comprise 3 storey at the front and 2 storey at the rear. Access to the site is via a cobbled road which leads from Market Place.

To the north is a public car park beyond which are residential properties on Pinners Close. To the east is Ramsbottom Civic Hall which is locally listed, Market Chambers which is a Grade II Listed Building and an unused and fenced off bowling green. To the west are Nos 7-9 Market Place, which are also Grade II Listed, and in front of the building runs the cobbled access road which leads to these buildings and the car park.

Planning permission and Listed Building Consent were granted in December 2018 for the change of use of part of the building from a hotel/public house (A4) to a financial and professional services office (Class A2), together with external alterations (ref 63308 and 63309).

The change of use to offices related to the lower, upper ground and first floors of the front and part of the middle section of the building (the 3 storey element). This permission has been implemented.

A subsequent planing application was submitted in 2020 to change the remainder of the building (ground and first floors of the rear of the building) to financial and professional services office (Class E) together with external alterations.

It is understood that external and internal works have been carried out but the use as an office has not been implemented. The rear of the building therefore still has use as public house (Sui generis).

This application seeks the change of the use of the ground and first floors of the rear part of the building to a veterinary practice (Class E). It is also proposed to use part of the rear yard area for the parking of 3 cars.

No further external works would be undertaken comparative to that which already have planning permission and are being implemented. Internal works would require the build of

internal walls to provide treatment rooms, surgeries, offices and staff facilities and other relatively minor works. There would be no external changes to the building other than those previously approved which are currently in the process of implementation.

The applicant currently practices out of smaller premises in Ramsbottom which are no longer fit for purpose due to the expansion of the business more recently. They therefore seek to relocate to larger premises in order to provide a better service to local pet owners.

An application for Listed Building consent (ref 68289) has also been submitted.

Relevant Planning History

68289 - Listed Building Consent for proposed change of use - Concurrent application
65740 - Listed building consent for change of use of rear of building from hotel/public house (Class A4) to financial and professional services (Class A2) including changes to the external appearance, internal modifications and the creation of new car parking to the rear yard area. New bollards to existing parking spaces - Approved 18/11/20
65739 - Change of use of rear of building from hotel/public house (Class A4) to financial and professional services (Class A2) including changes to the external appearance, internal modifications and the creation of new car parking to the rear yard area. New bollards to existing parking spaces - Approved 18/11/20
64226 - Variation of condition no. 2 (approved plans) of listed building consent 63309 for external amendments to include changes to windows and door openings and positions, new gates and steps and amendments to internal layout - Approved 12/7/19
64145 - Variation of condition no. 2 (approved plans) of planning permission 63308 for external amendments to include changes to windows and door openings and positions, new gates and steps; Removal of condition 7 to allow removal of horizontal sign on frontage - Approved 12/7/19
63309 - Listed Building Consent for change of use from hotel/public house (Class A4) to financial and professional services (Class A2); Internal and external alterations - Approved 20/12/2018
63308 - Change of use from hotel/public house (Class A4) to financial and professional services (Class A2); External alterations - Approved 20/12/2018.
62929 - Outline application for erection of gated access and garage parking (secure) for 13 garages and a bin store - Refused 22/8/2019
61827 - Outline application for proposed demolition of part of building and erection of sheltered housing including change of use of public house to sheltered housing - Refused 08/03/2018. Dismissed on appeal 3/12/2018.
58807 - Erection of 24 (Cat C) flats for retirement housing for the elderly, communal facilities, landscaping and car parking - Refused 04/09/2015. Appeal dismissed 23/2/2016
58104 - Erection of 24 (Cat C) flats for retirement housing for the elderly, communal facilities, landscaping and car parking - at Land to rear of Grants Arms - Refused 22/1/2015

Publicity

Letters sent to 76 properties on 22/4/22.

Site notice posted 7/5/22.

Press advert 28/4/22.

No responses received.

Statutory/Non-Statutory Consultations

Traffic Section - No objection subject to conditions

Environmental Health - Pollution Control - No response received

Environmental Health - Commercial Section - No response received

Conservation Officer - No objection

Waste Management - No response received.

Pre-start Conditions - Not relevant

Unitary Development Plan and Policies

NPPF	National Planning Policy Framework
EN1/1	Visual Amenity
EN1/2	Townscape and Built Design
EN2/1	Character of Conservation Areas
EN2/2	Conservation Area Control
EN2/3	Listed Buildings
HT2/4	Car Parking and New Development
HT2/5	Public Car Parks
HT5/1	Access For Those with Special Needs
Area	Market Place/Carr Street/Ramsbottom Lane
RM1	
SPD11	Parking Standards in Bury
EC4/1	Small Businesses
EN7/2	Noise Pollution

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.

Policies - Proposed change of use considerations

Chapter 7 of the NPPF - Ensuring the vitality of town centres states that policies and decisions should support the role that town centres play at the heart of local communities by taking a positive approach to their growth, management and adaptation. Policies should seek to promote the long-term viability and vitality by allowing them to grow and diversify, and promote a range of main town centre uses as part of a positive strategy for the future of each venture.

EC4/1 - Small Businesses - Proposals will be acceptable when the scale of development is appropriate to and the use environmentally compatible with the surrounding area in which it is to be located and where there is no conflict with other policies and proposals.

TC2 - Town Centre Enhancement and Development encourage town centres to develop as the principal focal points for cultural, leisure, business, professional services, commercial and retailing activities. Development needs to strike a balance between securing sufficient investment to maintain vitality and viability whilst not impairing their attractiveness.

TC2/1 - Upper Floors supports proposals which bring underused and vacant space on upper floors of premises into beneficial use, and encourages a range of uses such as offices and living accommodation to contribute to the overall vitality of town centres. Utilisation of this type of accommodation will also result in proper maintenance and repair of the building fabric, which is particularly important in conservation areas and for individual listed buildings.

Principle - Proposed change of use

The NPPF advocates a mix of town centre uses which are located in order to be accessible to visitors/residents and to add variety and viability to town centre settings. The nature of Class E uses which also includes shops, offices, cafe's, and clinics for example, are of a character which tend to be found in town centre locations, to serve the community and located in highly accessible and sustainable areas. The proposed use for a veterinary practice would be a similar such use. The applicant already practices out of premises located in Ramsbottom and with demand for their services increasing, seeks to expand into larger premises to offer a better service to customers.

The use would add to the vitality and viability whilst taking occupation of a vacant building.

Had the office permission been implemented, as a veterinary practice falls within the same use class, Class E, then planning permission would not be required in any event.

With this in mind and in consideration of the above, it is therefore considered that the proposed development would be acceptable and would comply with the principles of the NPPF and UDP Policies.

Policies - Conservation considerations

Section 66 of the Planning (Listed Building and Conservation areas) Act 1990 requires that in considering whether to grant planning permission for development which affects a listed building or setting, the Local Planning Authority shall have special regard to the desirability of preserving the building and/or its setting, or any features of special architectural or historic interest which it possesses.

Section 72 sets out the duties imposed upon a Local Planning Authority in respect of

Conservation Areas in exercising its planning functions.

The NPPF advocates positive strategies for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other risks. In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.

Paragraph 199 of the National Planning Policy Framework (NPPF) states when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the assets conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 200 of the NPPF states any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;
- b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

Paragraph 202 of the NPPF 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.

Principle - Proposed change of use and Conservation Considerations

The buildings heritage significance is derived from its architectural aesthetic in its plain classical form, its group value within the conservation area and its historical interest with regard to the Grant brothers. The front part of the building has already been adapted internally into an office use as has the rear part in regard to its alterations. It is therefore considered that the interior of the building contributes little to its significance. There are no external alterations proposed.

At the heart of the NPPF is the drive to promote sustainable development. Within the context of a heritage setting, policy seeks to establish a balance between securing optimum and viable development and consideration of any likely impact the use and any associated works would have on the character of the area.

The change of use is acceptable as it would have no further impact on and would preserve the character and appearance of the conservation area. The proposed railing at the rear would be a positive feature replacing the timber panel fence. The proposed adaptation of the building includes the removal of some internal walls. However the internal plan form would still be legible by virtue of retained piers from the removed sections of walls.

The proposal would comply with Bury adopted policies EN2/1-Character of Conservation Areas, EN2/2-Conservation Area Control and paragraphs 199, 200 and 202 of the NPPF.

Layout - The proposed vets would function independently of the existing offices which are located at the front of the building. In terms of the proposed layout and entrance points and parking, this would not differ significantly from the previously approved application for offices.

The main entrance would be provided from the original point on the side elevation (east) with a secondary access at the rear from the public car park. There would also be an access located on the west elevation from the back yard where it is proposed to provide 3 parking spaces. The car park would be secured by a sliding gate and replacement 1.8m high railings would form the rear boundary.

An outside animal exercise area would also be provided in the rear yard which would be

separated from the parking area and secured by timber fencing.

Internally, works have already been approved for some removal of walls and insertion of new partition walls, although the office development was mainly open plan. In this case, more rooms would be needed for the vets practice but carried out sensitively, it is considered that harm to the internality of the building would be minimal. The cast iron column which was highlighted as of significance to the property would be retained for example.

It is therefore considered that the proposed layout would not involve significant internal interventions or physical changes to the externality which would either cause harm to the building or impact on the surrounding area or access to and from the public car park.

As such, the proposed development would comply with EC4/1, EN1/2 TC2 and TC2/1.

Impact on the surrounding area - The proposed use would draw footfall to the premises and there would be activity of comings and goings to the site, by car and foot. It is considered any activity related to a veterinary practice would not be significantly worse than could be experienced as a public house/hotel and arguably activity would be to a lesser degree as the vets would not be open late into the night for general surgery.

The nearest houses would be those to the north which are separated from the site by the public car park. whilst animals could be housed outside, this would be in the yard area and some significant distance away.

The Pollution Control section have made no comments on the application.

As such, it is considered the proposed development would be acceptable and comply with EN7/2, EC4/1 and EN1/2.

External appearance - No changes are proposed in this application beyond what has already been approved and have been or are currently being carried out.

Highways

Parking - The previous change of use application for the rear office use included four parking spaces at the rear of the property. The applicant for that development owns the building and also has control and use of 11 other spaces on Market Place. These spaces, whilst shown as part of this application, would likely be shared between the occupiers/employees of the whole building.

This application, which would see a different operator (a lessee) occupying the rear of the building proposes three parking spaces in the yard area. (the remaining area would be used as an exercise area for dogs and the storage of waste).

The applicant in this case has stated that the other 11 spaces at Market Place would be under the control of the building's owner who occupies the offices at the front of the property.

That said, regardless who used the 11 spaces, whether it be the occupiers of the front and/or rear of the building, the parking for the whole building would essentially remain the same whether it be for either or both uses combined and as such no net loss of parking for the site in its entirety.

There is a large public car park directly to the rear of the property and parking in the Town Centre and there are also a number of bus stops in close proximity linking the wider area.

Given the town centre location, the emphasis on sustainable development and that the proposed use would serve an existing custom in the locality, the parking proposals are considered to be acceptable.

The Highway's Section have raised no objection to the proposals.

The proposed development is therefore considered acceptable and would comply with UDP Policies EC4/1, HT2/4 and the principles of the NPPF.

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 numbered -
Existing ground floor/site plan and first floor plan C-0422-01 rev A; Existing elevations and sections C-0422-02; Proposed ground floor plan C-0497-02 rev A; Proposed first floor plan C-0497-03 rev A; Proposed elevations C-0422-23 rev B 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.
- 3 The car parking indicated on the approved plans shall be surfaced, demarcated and made available for use prior to the use hereby approved commencing and thereafter maintained at all times.
Reason. To ensure adequate off street car parking provision in the interests of road safety pursuant to policy HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan.
- 4 The bin storage arrangements indicated on the approved plans shall be implemented before the use hereby is commenced and thereafter be maintained available for use at all times.
Reason. To ensure adequate off-highway bin storage arrangements are provided within the curtilage of the site, in the interests of highway safety pursuant to Bury Unitary Development Plan Policies EN1/2 - Townscape and Built Design and EC4/1 - Small Businesses.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JT	23/6/22		