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Planning Statement

Eagle & Child,
3 Whalley Road,
Ramsbottom,
BL0 0DE

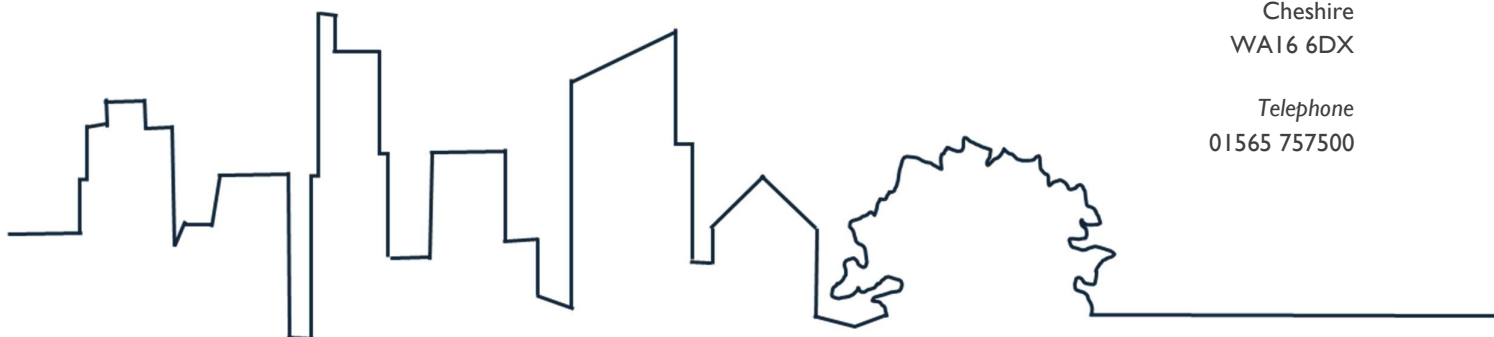
On behalf of Daniel Thwaites PLC

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I INTRODUCTION

- I.1 This Planning Statement is submitted in support of a retrospective planning application for external works in the garden of the Eagle & Child, 3 Whalley Road, Ramsbottom.
- I.2 The works comprise the removal of structures and the erection of a replacement external bar, a new toilet block, pergola and tipi, and the laying of paving and other associated works. These works have significantly improved the garden area for customers and will support the viability of the business going forward.
- I.3 This Statement provides a description of the site and its surroundings, and details the works which have been carried out. It then provides an assessment of the development having regard to relevant planning policy.
- I.4 It is concluded that the development accords with the Development Plan and other planning policy, and that planning permission should be granted.

2 THE SITE AND ITS SURROUNDINGS

THE SITE

- 2.1 The site comprises the garden to the rear of The Eagle & Child, 3 Whalley Road, Ramsbottom. It measures 584 sq.m and is irregular in shape.
- 2.2 The Eagle & Child is a pub / restaurant with five guest bedrooms. The building dates back to the 1820s and is constructed from stone.
- 2.3 The garden, in its existing form, comprises an external bar, toilet block, pergola structure and tipi, in addition to areas of paving, artificial lawn, stone chippings, soft landscaping and tables and chairs. Section 3 of this Statement provides a detailed description of the garden and the features which require planning permission.
- 2.4 Prior to the external works, the garden consisted of a slightly smaller external bar with areas of stone chippings, bark, artificial lawn, tables and chairs, partially empty planting beds and planters, and a redundant greenhouse. The previous garden lacked investment and failed to provide the high quality external environment that customers expect.

ITS SURROUNDINGS

- 2.5 A raised garden and chicken run abuts the garden at its northern end.
- 2.6 Whalley Road runs parallel to the eastern side of the garden. The road is separated from the garden by a stone wall and is at a higher level than the site. A row of terraced houses are situated on the opposite side of Whalley Road.
- 2.7 To the north and west are the back gardens of the residential properties on Cheshire Court.

PLANNING HISTORY

- 2.8 Using the Council's website, we have been unable to ascertain whether there is any planning history specific to the garden. We have, however, identified the following applications and decisions which relate to the wider site:
- 60601 – Change of use of first floor to bed and breakfast creating 5 bedrooms with Juliet balcony to 2 bedrooms and single storey extension to rear – Planning permission granted in November 2016.
 - 52053 – Decked area at the site – Planning permission granted in January 2010.

- 51699 – (A) creation of car park extension with associated car parking and; (B) decking area – Split decision issued in October 2009.
- 47962 – Increase in height to part of existing terrace and erection of roof over – Planning permission granted in May 2007.

DESIGNATIONS AND ALLOCATIONS

- 2.9 According to the Development Plan for Bury, the site is not designated or allocated for any specific purpose.
- 2.10 The pub / restaurant building is not statutorily or locally listed, and there are no listed buildings in the vicinity of the site. The site is not within or adjacent to a conservation area.

FLOOD RISK

- 2.11 The site is in a Flood Zone 1 and has a low risk of flooding from rivers and the sea.

3 THE PROPOSED DEVELOPMENT

3.1 In this section, we provide a description of the works which require retrospective planning permission.

3.2 Retrospective planning permission is sought for:

“The removal of structures and the erection of an external bar, toilet block, pergola and tipi, and the laying of paving and other associated works.”

BAR STRUCTURE

3.3 The previous bar structure off the northern side of the building was unsuitable and did not meet the needs of the business. It has been removed and replaced with a new and improved structure.

3.4 The installed structure extends to 18 sq.m and has a concrete floor base. The structure has a single pitch roof sloping away from the building (northwards), finished with corrugated sheets. The roof overhangs the front of the bar servery, providing shelter for customers.

3.5 The front of the bar, beneath the servery counter, is finished in stone. The structure has a frame and supporting posts comprising tanalised timber, in addition to tanalised timber cladding on its eastern and western sides. The structure has a door on its western side.

3.6 The structure contains worktops, bottle coolers, sinks and a beer tap, in addition to a wood-fired pizza oven. The oven is served by a small flue which breaches the roof and is capable of cooking up to five pizzas at once within 60 – 120 seconds.

3.7 An LED strip is fixed to the underside of the concrete bar top. Six LED downlights are affixed to the top of the servery hatch and these shine down onto the bar top. Six LED spot lights are affixed to the timber beam on the underside of the roof, providing the necessary lighting for bar staff. Low level festoon lighting extends around the eaves of the structure providing commensurate lighting for customers on the patio.

TOILET BLOCK

3.8 A new toilet block has been constructed adjacent to the store and new bar structure, near the northern side of the building.

- 3.9 The toilet block extends to 14 sq.m and has a non-slip floor. The structure has a single pitch roof sloping southwards, finished with corrugated sheets to match the bar. The roof overhangs the toilet block, providing shelter for customers.
- 3.10 The toilet block has a frame and supporting posts comprising tanalised timber. Its walls and doors are finished in tanalised timber cladding to match the bar.

NEW PAVING

- 3.11 The area of stone chippings and bark to the front and side of the previous bar has been resurfaced with stone flags. The flags are Marshalls Indian Stone (22ml) and are multi-buff in colour. Stone setts separate the flagged areas from the adjoining surfaces to the north.
- 3.12 Due to the levels on site, Aco drainage channels extend along the northern, eastern and western sides of the bar structure.

PERGOLA

- 3.13 A pergola extends northwards off the centre of the bar structure. The pergola consists of six tanalised hardwood posts and rafters, and has a polycarbonate roof. The structure is 2.7m in height and the posts are fixed to the ground via galvanised bases.
- 3.14 The pergola functions as a shelter between the bar to the south and the tipi to the north.

TIPI

- 3.15 The tipi structure was erected during the Covid-19 pandemic, in response to the restrictions that were placed upon the business.
- 3.16 The tipi is used for drinking / dining and is essentially an extension of the pub / restaurant. It extends to 86 sq.m and is an essential part of the business, providing an alternative environment for customers to enjoy. The tipi can seat up to 72 people.
- 3.17 The tipi occupies the circular area of stone chippings in the centre of the garden. It stands at 10m in height at its centre point, and it is circular in shape. The southern side of the structure, facing the bar and pergola, has timber posts, clear windows and a timber doorset. The remainder of the structure consists of a beige canvas material with support beams, and timber floor boards. The tipi is fixed to the ground with L-brackets.
- 3.18 The tipi is heated by an externally located space heater.

- 3.19 In addition to serving general customers, the tipi is available for hire for private events (such as birthdays, weddings and funerals, etc) which the tenant considers to be 'appropriate'.

OTHER MINOR WORKS

- 3.20 In order to create a better quality external environment for customers, the previous redundant greenhouse and disused planters have been removed from the garden.
- 3.21 The untidy and partially empty planting bed to the east of the tipi has been replaced with stone chippings. Parts of the old planting bed, to the north and south of the tipi, have been retained.
- 3.22 The area of bark at the north west corner of the site has been replaced with stone chippings to match the other areas.
- 3.23 It should be noted that planning permission is not expressly required for any of these minor works, and that they are illustrated on the submitted plans for completion.

4 RELEVANT PLANNING POLICY

DEVELOPMENT PLAN

- 4.1 The Development Plan for the site comprises the saved policies of the Bury Unitary Development Plan (UDP), adopted in August 1997, and the Places for Everyone (PfE) document, which was adopted in March 2024. A number of the saved policies of the Bury UDP were replaced by the policies of the PfE in March 2024.

Bury UDP

- 4.2 Saved Policy EC4 relates to small and growing businesses. The Council will ensure that the needs of small and growing businesses are met by looking favourably on proposals for such developments, where these do not conflict with other policies of the Plan.
- 4.3 Saved Policy EN1/2 deals with townscape and built design. The Council will give favourable consideration to proposals which do not have an unacceptable adverse effect on the particular character and townscape of the Borough's towns, villages and other settlements. Factors to consider when assessing proposals will include, amongst other points, the external appearance and design of the proposal, the choice and use of materials and the relationship of the proposal to the surrounding area.
- 4.4 Saved Policy EN7/2 addresses noise pollution. In seeking to limit noise pollution, the Council will not permit development which could lead to an unacceptable noise nuisance to nearby occupiers.

PfE

- 4.5 Policy JP-PI promotes the development of sustainable places. Amongst other points, all development should respect and acknowledge the character and identity of the locality in terms of its design, siting, size, scale and materials. Development should be visually stimulating, legible, inclusive, safe, durable, comfortable and inviting.

OTHER MATERIAL POLICY CONSIDERATIONS

National Planning Policy Framework

- 4.6 The National Planning Policy Framework (NPPF) was published in 2012 and was most recently updated in December 2023.

- 4.7 Section 6 of the NPPF seeks to build a strong and competitive economy. Paragraph 85 states that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.
- 4.8 Section 8 of the NPPF promotes healthy and safe communities. Paragraph 97 states that in order to provide the facilities and services that a community needs, planning policies and decisions should, amongst other points, guard against the unnecessary loss of valued facilities and services, and ensure that established facilities are able to develop and modernise, and are retained for the benefit of the community.
- 4.9 Section 12 of the NPPF seeks to achieve well-designed and beautiful places. Paragraph 135 states that planning policies and decisions should ensure that developments, inter alia, function well and add to the overall quality of the area; are visually attractive; are sympathetic to local character; optimise the potential of the site and; create places that are safe, inclusive and accessible.
- 4.10 Section 15 of the NPPF deals with conserving and enhancing the natural environment. Paragraph 180 states that planning policies and decisions should contribute to and enhance the environment by, inter alia, preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of noise and other forms of pollution.

5 PLANNING ASSESSMENT

- 5.1 This application seeks retrospective planning permission for improvements to the garden of the Eagle & Child.
- 5.2 The completed works are modest and have resulted in important improvements to the customer offer at the pub / restaurant, which will benefit the local community and economy.
- 5.3 The works have significantly improved the outdoor experience for customers, which has become even more popular following the Covid-19 pandemic. The garden, in its previous form, lacked investment and failed to provide the quality environment that customers now expect.

PRINCIPLE OF DEVELOPMENT

- 5.4 Section 8 of the NPPF recognises that pubs are a valuable meeting place for the local community, providing direct and indirect economic benefits. Planning decisions should ensure that established facilities are able to develop and modernise, and be retained for the benefit of the community. Section 6 of the NPPF confirms that planning decisions should help create the conditions in which businesses can invest, expand and adapt, and saved Policy EC4 of the Bury UPD states that the needs of small and growing businesses will be met and supported.
- 5.5 Having regard to the aforementioned policies, the Council should be minded to consider this application favourably. The pub / restaurant sector is under significant pressure and the improvement works have allowed the business to adapt and modernise, providing a high quality environment for its customers. The development is an essential part of the pub / restaurant's offer and will support the viability of the business going forward.

ACCESS AND DESIGN

- 5.6 The improvements to the garden have been carefully designed to complement and enhance the appearance of the site. The result is a premises that is more inviting to the local community and customers, which incorporates a better quality and more accessible outdoor area. Indeed, the previous garden was mostly laid with stone chippings, which was impractical from a maintenance and accessibility perspective.
- 5.7 The use of stone on the bar structure and for the paving flags is in-keeping with the pub / restaurant building and surrounding area. The tanalised timbers to the bar, toilet block and

pergola will ensure a durable and attractive development, complementing other materials on site.

- 5.8 The majority of the tipi consists of a beige canvas material. The colour is similar to the multi-buff colour of the paving flags, the stone walls of the pub / restaurant building and the eastern boundary wall. The appearance of the tipi is thus not incongruous.
- 5.9 Having regard to the existing pub / restaurant building, the new bar structure, toilet block, pergola and tipi are considered to be appropriate in scale. These structures are suitably subordinate and respect the character of the pub / restaurant building and the surrounding area. No visual harm is caused as a result of the structures.
- 5.10 The improvement works are considered to be appropriate in access and design terms. The previous garden lacked investment whilst the current garden provides a much-improved area for customers to enjoy. The application is considered to comply with saved Policy EN1/2 of the Bury UDP, Policy JP-P1 of the PfE document and the NPPF.

RESIDENTIAL AMENITY

- 5.11 To the north and west are the back gardens of the residential properties on Cheshire Court.
- 5.12 The tipi does not present the opportunity for any overlooking into the surrounding residential properties or their gardens. In this regard, the development does not have any impact upon the privacy of surrounding residents.
- 5.13 By virtue of their siting and scale, the structures do not result in a loss of daylight or sunlight to the surrounding properties, nor do they result in any overshadowing off-site.
- 5.14 The lighting within the new bar structure is minimal and is required for it to operate. The festoon lighting around eaves of the structure provides commensurate lighting for customers, and is no brighter than any lighting that could be found in a residential garden (which would not require planning permission). The lighting to the structure is therefore appropriate.
- 5.15 The space heater which heats the tipi generates a minimal amount of noise.
- 5.16 The external area in the garden, used by customers for the purpose of consuming alcohol, is licensed to be used until 11pm each day. The use of the garden during the licensed times is well established, and has been for many years. The tenant is a neighbourly operator, and the existing restrictions that they follow strike an appropriate balance between protecting local

amenity (and the amenity of staying guests) and allowing the premises to operate viably. The hospitality sector is already under significant pressure and a further curtailment of the current restrictions would be detrimental to the viability of the business.

- 5.17 Having regard to the above, the amenity of the neighbouring residents is not, and will not, be adversely impacted upon by the development. The application is considered to comply with saved Policy EN7/2 of the Bury UDP and the NPPF.

6 CONCLUSION

- 6.1 Retrospective planning permission is sought for external works in the garden of the Eagle & Child, 3 Whalley Road, Ramsbottom.
- 6.2 The works comprise the removal of structures and the erection of a replacement external bar, a new toilet block, pergola and tipi, and the laying of paving and other associated works. These works have significantly improved the outdoor area for customers, whilst enhancing the appearance and functionality of the pub / restaurant.
- 6.3 The garden, in its previous form, lacked investment and failed to provide the quality environment that customers expect. The development is an essential part of the pub / restaurant's offer and will support the viability of the business going forward.
- 6.4 The improvements to the garden have been carefully designed to complement and enhance the appearance of the site. The result is a pub / restaurant that is more inviting to the local community and customers.
- 6.5 Having regard to our assessment, the development is acceptable from a residential amenity perspective.
- 6.6 Our overall conclusion is that this application should be considered favourably. The development is in accordance with the Development Plan and the NPPF, and planning permission should be granted.