

DELEGATED REPORT

Report by Jennie Townsend	Date of report: 23/06/2022	Ref: 68289/LBC
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: ALB
Reason for Delay:		EIA: NA
N/A		Dec Level: DEL
		Stat Class: LBAL

Proposal: Listed Building Consent for proposed change of use

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 LBC for the change of the use of the ground and first floors of the rear part of the building to a veterinary practice (Class E) with internal alterations.

No further external works would be undertaken comparative to that which already has planning permission and have/are being implemented. Internal works 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 in recent times. They therefore seek to relocate to larger premises in order to provide a better service to local pet owners.

An application for planning permission (ref 68288) 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

Conservation Officer - No objection

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.

Principle

The application site together with No.7, 9 and Market Chambers is a Grade II Listed Building and is within Ramsbottom Conservation Area.

Dating from circa 1828 the building has symmetrical classical front of ashlar. Three storeys. Four sash windows on each level with top opening lights. Tuscan half-columns to doorway. Clock on top storey, sill bands, quoins and a slate roof. Older rear wing, which is the application site, possibly 18th century in origin, rendered brick, with slate roof and arched doorway with imposts. Included as part of central Ramsbottom group it has a group value with the other listed buildings surrounding Market Place as such is a strong contributor the character and appearance of the conservation area.

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 to form the dining and lounge areas to the former use. It is therefore considered that the interior of the building contributes little to its significance. There are no external alterations proposed.

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.

The proposed internal adaptation to facilitate the change of use is considered acceptable as the building has already been significantly adapted and its significance is derived from its external architectural aesthetic and historic interest. As such it would not harm the significance of the building.

The building contributes as part of the group value of Market Place, nearby listed buildings

and the character and appearance conservation area.

The occupation of the building would also ensure it is maintained and preserved to secure the longevity of the Listed Building.

The proposal would therefore comply with Bury adopted policies EN2/3-Listed Buildings and would comply to paragraphs 199, 200 and 202 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 the expiration of three years beginning with the date of this permission.
Reason - Required to be imposed pursuant to Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 2 This decision relates to drawings - 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.

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