

DELEGATED REPORT

Report by Jennie Townsend	Date of report: 19/09/2025	Ref: 72100/FUL
Registration: 28/07/2025	LDfC: 29/08/2025	Expiry Date: 22/09/2025
Site Visit: 08/08/2025	Site Notice: 08/08/2025	Press Date: 07/08/2025
Objections: 0	Con Area: RAMS	Adv Type: CA
Reason for Delay: N/A		EIA: NA Dec Level: DEL Stat Class: MIOT

Proposal: Retention of timber outbuildings for use as outdoor bar/seating areas and pizza bar

Location: The White Rabbit, 13 Peel Brow, Ramsbottom, Bury, BL0 0AA

Description

The application relates to a 2 storey restaurant/pub which is located just to the east of the main street which runs through Ramsbottom Town Centre and is part of the Ramsbottom Conservation Area. The site is also in a Landscape Character Area, River Valley, Wildlife Corridor, and Protected Recreation Area and was identified as amenity green space in the 2012 Recreation Audit. Part of the site (the main building) is located within an Employment Generating Area (EGA).

The surrounding area comprises a mix of uses, predominantly commercial and business to the east and residential to the west.

The site itself comprises the main restaurant building which fronts the main road and a single storey extension which has been added to the western elevation for additional seating. The remainder of the site is hardstanding and car park with an enclosed artificial grassed area to the west of the access to the car park.

In April 2021, a detached timber structure for outside seating and a separate timber structure housing a pizza oven was added to the site without planning consent.

The timber structure is located to the rear of the site, running parallel to the rear boundary and is linear in form.

The structure is 18.15m in length and 4.6m wide and has a timber flat roof at 3.4m high which covers part of the structure. The elevations are open at the upper part and the lower sides are timber panelled.

In front of the seating area green matting has been laid with additional bench seating which is enclosed by moveable screens/banners. This area is not shown on the plans.

The pizza oven is an irregular 6-side structure located between the seating area and the main building in the north west corner of the site. The longer length, 4.55m runs along the rear boundary and it is 2.5m at the maximum height. The oven itself is located internally.

The proposed site plan shows there are 6 parking spaces located behind the front boundary wall, perpendicular to this boundary and bins are stored at the back of the site.

The application seeks permission for the retention of these two outbuildings for use as outdoor seating and pizza bar.

Relevant Planning History

54613 - A: New side entrance/porch, new fire escape stairs, replacement windows on the

side and rear elevations. B: Replacement windows to the front elevation; patio doors to the side elevation. - Split Decision - 29/12/2011
54982 - New patio doors and side frames to side elevation (Resubmission of 54613) - Approve with Conditions 25/04/2012
58039 - Installation of new retractable awning over existing external seating/dining area and alterations to boundary wall - Approve with Conditions 10/11/2014
58832 - Extension to existing car park and landscaping of land adjacent - Approve with Conditions 21/03/2016

11/0560 - UPVC Windows - 13/03/2012
23/0005 - Erection of fencing and land clearance on site including removal of trees - 25/01/2023
24/0169 - Timber building on car park -

Publicity

Letters sent to 14 properties on 1/8/25.
Site notice posted 8/8/25.
Press advert 7/8/25.

No responses received as a result of the publicity.

Statutory/Non-Statutory Consultations

Traffic Section - Recommend refusal on loss and restriction of parking facilities
Borough Engineer - Drainage Section - No response received
Environmental Health - Contaminated Land - No comments to make
Environmental Health - Pollution Control - No comments to make
Waste Management - No response received
Conservation Officer - Recommends refusal
United Utilities (Water and waste) - No response received
Greater Manchester Police - designforsecurity - Recommend CCTV extended
Greater Manchester Ecology Unit - No objection
EDS Head of Parks and Countryside - No response received.
Property & Technical Services - Estates Consultancy - No response received.

Pre-start Conditions - Not relevant

Development Plan and Policies

EN1/2	Townscape and Built Design
EN2/1	Character of Conservation Areas
EN2/2	Conservation Area Control
EN6/4	Wildlife Links and Corridors
RT1/1	Protection of Recreation Provision in the Urban Area
RT1/2	Improvement of Recreation Facilities
OL5/2	Development in River Valleys
EC4/1	Small Businesses
HT2/4	Car Parking and New Development
JP-C5	Streets For All
JP-C2	Digital Connectivity
JP-C8	Transport Requirements of New Development
JP-P2	Heritage
JP-P1	Sustainable Places
JP-S1	Sustainable Development
JP-S2	Carbon and Energy
SPD11	Parking Standards in Bury
NPPF	National Planning Policy Framework

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.

Siting and appearance

The outdoor seating area is positioned at the back of the site along the northern boundary. Although the structure is set back from the frontage the extent of its linear form at 18.15m and area of green matting which has been laid along the front of the structure and where trestle tables and umbrellas have been erected compounds the extent and scale of the structure.

In addition, the extent of the footprint not only compromises the amount of parking which can be provided for the site, but also restricts the use of the spaces which are located

behind the front boundary wall (see highways section below).

The seating area is a single storey wooden structure, detached from the main building and its form, scale and design neither relate to the host building or the character of the site and surrounding area and as such appears a discordant and incongruous feature when viewed from both within and outside the site.

The structure housing the pizza oven is a smaller irregular shaped structure which has been sited in the north eastern corner of the site and infills part of an area within the footprint of the main building and as such is not highly visible to the streetscene. It is however a flat roof wooden structure and although not as visible as the seating area, the design and appearance is unrelated to the established development.

Given the above, it is therefore considered that the siting and appearance of the development would be unacceptable and would be contrary to policies EC4/1, EN1/2 and HT2/4.

Heritage consideration

The application site is within, although on the periphery, of Ramsbottom Conservation Area.

The structure is linear in plan form, timber built and low single storey level with a flat roof. It has the appearance of a simple 6 bay construction and is reminiscent of an agricultural type building or stables.

This similarity in building typology does not harmonise with the architectural grain of that part of the conservation area which is characterised by vernacular stone built dwellings. It is not within a rural part of the conservation area.

Together with its operational paraphernalia consisting of artificial grass, umbrellas and fence banners the visual impact of the structure would not preserve or enhance the character or appearance of that part of Ramsbottom conservation area as required by section 72(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990 - "In the exercise, with respect to any buildings or other land in a conservation area, of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area".

The structure does not relate well visually to the main public house and from a preservation or enhancement point of view the structure represents an alien feature that should be re-constructed or altered to better harmonise with its architectural surroundings to at least preserve the character and appearance of that part of the conservation area.

The proposed development would therefore be contrary to policies EN2/1, EN2/2, JP-P2 and the principles of the NPPF.

Residential impacts

The nearest residential properties are terraced properties to the east on Peel Brow. The outdoor seating area would be approximately 35m away from the nearest house and the pizza oven over 50m away and as such it is considered that impacts would not be significant by the siting of either of these structures in terms of noise, disturbances and smells from cooking.

The pizza oven would be directly next to the restaurant where there could be residential accommodation above but that would usually be associated with those who own the business or work there.

As such it is considered that impacts to residential amenity would not be adverse.

Highways

Whilst the application form states there are 12 existing parking spaces, the site is currently demarcated for the parking of 6 cars which are located behind the boundary wall at the front of the site. There is however insufficient room to manoeuvre from the space next to the existing front extension due to the position of the proposed outdoor seating area. The parking space next to the site entrance is also difficult and unsafe to navigate due to it being located directly next to the entrance which could cause conflicts with cars entering and exiting the site.

The site can accommodate some spaces along the eastern boundary next to the enclosed grassed area although these are not formally demarcated.

The Highway Authority have recommended refusal due to the parking impacts and layout issues created by the position of the proposed outdoor seating area, especially as the parking arrangements either do not work in places or are just poor. The proposal results in the loss and a restriction in the use of existing, parking facilities for the site and adversely affects established servicing arrangements, which is likely to lead to vehicles parking and carrying out manoeuvres on an already hazardous part of the highway network to the detriment of the free flow of traffic and road safety.

The site is arguably in a sustainable area near the centre of Ramsbottom with access to bus services and other public car parks. That said, the existing spaces is far below the requirement for 20 spaces for a restaurant in this location (zone 3 in SPD11).

It is therefore considered that the development would be contrary to policies HT 2/4, JP-C8 and SPD11.

Ecology

Summary

The only potential ecological issue is biodiversity net gain.

Wildlife Issue

The proposal is retrospective and was prior to development hardstanding based on google earth. GMEU is satisfied that no further information or measures are required.

Contributing to and Enhancing the Natural Environment & Biodiversity Net Gain (BNG)

Section 187 of the NPPF 2024 states that the planning policies and decisions should contribute to and enhance the natural and local environment. 10% BNG is mandatory under Schedule 7A of the Town & Country Planning Act 1990 (as inserted by schedule 14 of the Environment Act 2021).

The development site appears to have consisted of hardstanding prior to development around about 2020. The site now appears to consist of the timber structure and a small area of amenity grassland and planters a minor enhancement of the site from an ecological perspective. (the green area could also be artificial grass).

With regards net gain given the site prior to development appears to have had no ecological value, the development would have been exempt under the de minimis rule and has resulted in a net gain owing to what is assumed is the creation of what appears to be around 40sqm of amenity grassland along with some planters.

Whether on not amenity grassland or artificial grass is present, the development has not resulted in a loss of biodiversity and the planters alone represent a net gain. No further information or measures are required.

Recommendation: Refuse

Conditions and Reasons:

- 1 The proposed development would, by reason of its size, form, position and design, be an obtrusive and incongruous and intrusive feature in the surrounding area and would therefore be seriously detrimental to the visual amenities and character of the area. The proposed development therefore conflicts with the following policies - EN1/2, EC4/1 and JP-P1.
- 2 The proposed development would introduce a discordant and alien feature into the Ramsbottom Conservation Area where it is the intention of the Local Planning Authority to secure a high standard of development in relation to new buildings and development by requiring the use of sympathetic and compatible building forms and materials and its relationship to the surrounding setting. The proposed development would neither preserve or enhance the character of the Conservation area and therefore conflict with the following policies: EN2/1 Character of Conservation Areas, EN2/2 Conservation Area Control, JP-P2 - Heritage and the principles of the NPPF.
- 3 The proposal results in the loss and a restriction in the use of existing, parking facilities for the site and adversely affects established servicing arrangements, which is likely to lead to vehicles parking and carrying out manoeuvres on an already hazardous part of the highway network to the detriment of the free flow of traffic and road safety. The development would therefore be contrary to policies HT2/4 and JP-C8 and SPD11.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JT	19/9/25	DM	19/09/2025