

DELEGATED REPORT

Report by Claire Booth	Date of report: 29/03/2023	Ref: 69052/FUL
Registration: 21/11/2022	LDfC: 30/12/2022	Expiry Date: 16/01/2023
Site Visit: 13/12/2022	Site Notice: 13/12/2022	Press Date: 08/12/2022
08:50:00		
Objections: 0	Con Area: RAMS	Adv Type: CA
Reason for Delay:		EIA: NA
N/A		Dec Level: DEL
		Stat Class: COUS

Proposal: Change of use of vacant betting shop (Sui Generis) into restaurant (Class E) including installation of extraction flue to rear; additional ground floor side window, replacement windows to the front ground floor windows with timber sliding sash windows and repair and paint all other existing windows

Location: 11 Bridge Street, Ramsbottom, Bury, BL0 9AB

Description

The application relates to an end terraced property last used as a Betting Office, located on the corner of Bridge Street and Garden Street, Ramsbottom, within Ramsbottom Town Centre. The application site is located within Ramsbottom Conservation Area. Access to the property is via the Bridge Street frontage. The retail shop, 'VELVET' exists on the opposite corner of Garden Street/ Bridge Street within the building formerly occupied by Natwest Bank. One of the defined Shopping Frontages within Ramsbottom is located directly opposite the application site, as allocated within the adopted Bury Unitary Development Plan.

Planning permission is sought to change the use of a property from a licenced betting shop (Sui-Generis) to a restaurant (Class E) on both floors of the building, the installation of an extraction flue to the rear of the premises that is to extend up the rear wall and above eaves level, and to replace the existing timber windows on the front elevation with timber sash windows. Permission is also sought to create an outside seating area within the rear yard area of the property. A refuse storage area is proposed in the north-west corner of the yard and is proposed to be accessed from Garden Street. A former gate opening located within the boundary wall of the rear yard on Garden Street is also proposed to be re-opened.

Relevant Planning History

46675 - ALTERATIONS TO SHOP FRONTAGE - Refused 25/08/2006

69053 - 1 no. externally illuminated fascia sign; 1 no. externally illuminated projecting sign - Under consideration.

PLEASE NOTE THIS IS NOT ALL THE HISTORY

Publicity

Due to the application site being located within Ramsbottom Conservation Area, the application has been advertised by both Site and Press notices. The Press Notice was advertised in the Bury Times. Neighbouring properties have also been consulted by letter.

No representations have been received to this public consultation.

Statutory/Non-Statutory Consultations

Conservation Officer - No objections, subject to the replacement of the existing timber windows being replaced with painted timber sash windows.

Traffic Section - No objections but raises concerns about the safety of pedestrians leaving the outside seating area via Garden Street given the pavement is very narrow along the length of the application site. It is therefore recommended that patrons of the establishment leave the site via the front door on to Bridge Street.

Environmental Health - Pollution Control - No objections, subject to the submitted soundproofing measures being installed and no outdoor music within the proposed outdoor seating area.

Pre-start Conditions - Not relevant

Unitary Development Plan and Policies

TC2/2	Mixed Use Development
S2/1	All New Retail Proposals: Assessment Criteria
S2/6	Food and Drink
EN1/1	Visual Amenity
EN1/2	Townscape and Built Design
EN2/1	Character of Conservation Areas
EN2/2	Conservation Area Control
EN7/1	Atmospheric Pollution
EN7/2	Noise Pollution
HT6/2	Pedestrian/Vehicular Conflict

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.

ASSESSMENT

Principle of Development - The NPPF at paragraph 86 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 define a network and hierarchy of town centres and promote their long term vitality and viability - by allowing them to grow and diversify in a way that can respond to rapid changes in the retail and leisure industries, allows a suitable mix of uses and reflects their distinctive characters.

The application site is located within Ramsbottom Town Centre. This part of Ramsbottom is subject to UDP Policy RM5 which supports proposals for leisure, and tourism related uses, business (Use Class B1), offices and industrial uses (Classes B2 and B8) and car parking uses in this part of the town centre. The proposed restaurant use, whilst strictly a retail use - Use Class E(b), will be accessed by people for leisure purposes. The proposed use is adjacent to Velvet, and opposite the gable of the Railway P.H and the adjoining block that are allocated as being Secondary Shopping Frontages and Areas.

In assessing the principle of the change of use of the property, the premises are located on Bridge Street but is not within the Primary or Secondary Shopping Areas, as defined on the Proposals Map associated with the unitary Development Plan, the Council's adopted Local Plan. The application site is located within a row of properties containing a cafe and a religious worship building, and residential properties above the ground floor uses. The application site is considered to be well located in relation to the Town Centres primary and secondary shopping areas, on one of the opposite a row of properties, allocated as Secondary Shopping Frontage and on the opposite corner of Garden Street to an A1 retail clothes shop.

In addition, it is acknowledged that the face and character of town centres is now changing and it is acknowledged in the NPPF that other uses offer variety and alternative choices and venues which draw people to town centres. Ramsbottom has in more recent years, become a tourist destination with visitors attracted to the ELR steam train which has generated footfall to the area and an increase in use and demand of the town's cafe's, eateries and bars.

It is therefore considered that in principle, the loss of the betting shop and turning the property into a restaurant, that falls into the Class E use class would not significantly harm the character of the shopping area and due to being a Class Eb.) use, is more in keeping with other nearby retail uses and as such would be acceptable in planning policy terms.

Notwithstanding this, the proposed development will need to be considered in relation to

points a) to d) of Policy S2/2, above. These issues are covered below.

Heritage

The property is located within Ramsbottom Conservation Area. Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in the exercise of planning functions special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.

In Chapter 16 - Conserving and enhancing the historic environment, the NPPF advocates positive strategies for the conservation and enjoyment of the historic environment, recognising that heritage assets are an irreplaceable resource and that they should be conserved in a manner appropriate to their significance.

Paragraph 189 states that in determining applications, LPA's should require an applicant to describe the significance of any heritage assets affected, including any contribution to their setting. The level of detail should be proportionate to the asset's importance and no more than is sufficient to understand the potential impact of the proposal on their significance.

EN2/1 - Character of Conservation Areas and EN2/2 - Conservation Area Control policies only support proposals where it can be demonstrated that development would preserve or enhance the special character of the area. In the case of re-use of buildings or the introduction of new uses, the impact of the proposal on the character or appearance of the area and the fabric of the building will be considered.

The site is within the Ramsbottom Town Centre Conservation Area, a designated heritage asset. A Heritage Assessment has been submitted with the application. This lacks an analysis of the reasons why they consider the proposal would cause no harm to the character and appearance of the conservation area. Notwithstanding this, the LPA has assessed the impact on the character and appearance of the conservation area in their assessment of these proposals.

The proposals have been amended to retain as many of the traditional timber windows on the property with all the existing windows on the side and rear elevations of the property being retained and painted. The replacement windows on the front elevation of the building with painted timber sliding sash windows with the replacement of the existing ground floor windows, which are not traditional sliding sash will result in an enhancement to the character and appearance of the building. The replacement of the first floor windows, which seem to be top opening windows with timber sliding sash windows would also result in an enhancement to the character and appearance of this part of Ramsbottom Conservation Area. The replacement windows will be secured by condition.

In terms of the proposed extraction flue, this would have a harm on the character and appearance of the host property, however when considering the level of harm in accordance with the requirements of paragraphs 195 and 202 of the NPPF, the harm is considered to be less than substantial and to weigh such harms should be weighed against the public benefits. In this respect, the public benefits include re-occupancy of this vacant building, which was last in use in 09 May 2022 by BETFRED and the enhancements of changing the existing windows on the front elevation to timber sliding sash, which are considered to be reflective of what would have been in the property historically. In the interests of minimising the visual impact of the proposed extraction flue and its impact on the character and appearance of the conservation area, a planning condition requiring the flue to be painted black is recommended.

To conclude, it is considered the change of use and proposed external alterations would therefore preserve and enhance the character and appearance of the conservation area and would comply with the principles of the NPPF and UDP Policies EN2/1 and EN2/2.

Impact on residential amenity - Comparative to a betting shop a restaurant use can have

the tendency to generate higher noise levels due to the very nature of its use and the numbers of people who could gather at one time, inevitably for longer periods.

During the day, the premises would function in close proximity to other businesses where there are constant comings and goings of both shoppers and visitors to the town. During the day, the patronage to the restaurant would be relatively low key and where people would tend not to gather for extensive amounts of time comparable to the evening time which tends to be a more social time for people to gather and the time when bars can experience larger gatherings of people and greater volumes of noise.

The premise is located on the main shopping street on one of the main streets of the town centre where a number of different types of uses function including a variety of bars, pubs and restaurants and consequently residents living close by should expect there to be some disturbances and noise from these uses in the evening. That said, the property was formally a betting office, operating at ground floor only, during the day and into the evening which would generate less disruption than a restaurant that would occupy both floors of the building and the external rear yard area.

There are residential flats above the adjacent shops and other residential properties located along Garden Street which could be affected by the noise, disturbance and general activity around the premises.

The opening hours are proposed as Mon - Fri: 08:00 to 23:00, Saturday and Sunday: 08:00 to 23:00.

Following the submission of a Noise Impact Assessment, at the request of the Council, the applicant proposes the following mitigation:

- Soundproofing to the party wall with no. 13; and,
- No use of the outdoor seating area after 9pm.

In addition to the above proposed measures, in the interests of residential amenity, the Environmental Health, Pollution Control, section recommend that external music within the rear yard area of the site be restricted so no music can be played within the rear yard area, to prevent disturbance over and above, people being sat outside, occurring. This seems reasonable given a flat exists directly adjacent to the application site.

All of the above required mitigation can be secured by suitably worded planning conditions.

It is therefore considered that with the mitigation described above, the proposed development is acceptable and would comply with Policies S2/6 and TC2/2.

Highways - The Highway Authority has raised concerns about people leaving the application site via the proposed re-opening of a former yard gate on to Garden Street. The pavement directly outside the application site is very narrow and as such the Highway Authority considers it unsafe for pedestrians to exit on to Garden Street. Having discussed this with the applicants agent he has advised that the applicant is happy to use this gate only as an emergency exit. Therefore, in the interests of pedestrian safety/ highway safety a condition will be imposed to limit the use of this gate.

Moving on, the existing gate to the rear yard is proposed to be used for an enclosed bin storage area. The Highway Authority has raised no objections to this part of the proposal.

Conclusion - Subject to the recommended planning conditions, it is recommended that the application be approved.

Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015

The Local Planning Authority worked positively and proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. 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 from the date of this permission.

Reason: To comply with the requirements of section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004

- 2 This permission relates to the following plans:

Drawing no. BRS11/22/04: Location Plan;
Drawing no. BRSn/22/06 Rev. B: Proposed Site Plan & Ground Floor Plan;
Drawing no. BRSn/22/06 Rev. A: Proposed First Floor & Roof Plan;
Drawing no. BRS11/22/07: Proposed Front, Rear and Side Elevations; and,
Drawing no. BRS11/22/08: Proposed Shop Front and Sign

Except as provided for by other conditions to this permission, the development shall be carried out in complete accordance with the approved drawings.

Reason: For the avoidance of doubt and to ensure a satisfactory standard of development in accordance with the policies contained within the Bury Unitary Development Plan.

- 3 Notwithstanding any details shown on the approved plans and the requirements of condition 2 [approved plans] of this permission, the frames of each window hereby approved shall:

- (i) be of a timber vertical sliding sash construction;
- (ii) be set into the reveals at least 150mm; and
- (iii) be painted white or black

Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, the windows shall be installed in full accordance with the above details before the part of the building served by those windows is first occupied. The duly installed windows shall be maintained as such thereafter.

Reason: To ensure an appropriate window treatment which is sympathetic to the character and appearance of the host building and the conservation area in accordance with the requirements of Policies EN1/1 and EN2/2 of the Bury Unitary Development Plan and the National Planning Policy Framework.

- 4 The extraction flue shall be painted black and retained as such in perpetuity unless otherwise agreed in writing with the local planning authority.

Reason: To ensure an appropriate appearance which is sympathetic to the character and appearance of the host building and the conservation area and minimises the impact of the development on visual amenity, in accordance with the requirements of Policies EN1/1, EN1/2, EN2/1 and EN2/2 of the Bury Unitary Development Plan and the National Planning Policy Framework.

- 5 The extraction system installed in accordance with condition 2 of this permission shall be dismantled and all associated appurtenances removed from the site if the system ceases to be used for a period exceeding 18 months, unless a longer time period for its retention has first been agreed in writing with the Local Planning Authority.

Reason: In order to ensure that any redundant extraction systems are removed from the building to prevent the proliferation of unsightly apparatus in the area in the interests of visual amenity and to preserve the character, appearance and setting of the Conservation Area in accordance with the requirements of Policies EN1/1, EN1/2, EN2/1 and EN2/2 of the Bury Unitary Development Plan and the National Planning Policy Framework.

- 6 The openings to both the rear yard area of the property, serving the outside seating area and refuse storage area on the Garden Street elevation of the building, shall be given gates which are vertically timber boarded, unless otherwise agreed in writing by the Local Planning Authority, before the rear yard area is first used for outdoor seating purposes.

Reason: To ensure an appropriate material treatment which is sympathetic to the character and appearance of the host building and the conservation area, and in the interests of highway safety, in accordance with the requirements of Policies EN1/1, EN1/2, EN2/1 and EN2/2 of the Bury Unitary Development Plan and the National Planning Policy Framework.

- 7 Prior to occupation of the use approved, the soundproofing measures, shown on Drawing Ref: BRS11/22/PWACOUSTIC01 and Drawing nos. BRS11/22/05 and BRS11/22/06 shall be installed along the length of the party wall with no.13 Bridge Street.

Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with Policy EN7/2 of the Bury Unitary Development Plan and the National Planning Policy Framework.

- 8 The gate opening serving the outside seating area on the Garden Street elevation of the building, shall be set in behind the facing stones of the boundary wall and open into the site. This gate should be used for emergency purposes only with customers needing to enter and leave the site via the front door onto Bridge Street. Prior to use of the outdoor seating area, Emergency exit only' signs shall be placed on both sides of the gate.

Reason: Due to the limited width of the pavement on Garden Street, in the interests of the safety of pedestrians and highway safety and to comply with Policy HT6/1 of the Bury Unitary Development Plan and the National Planning Policy Framework.

- 9 Prior to the rear yard being used for outside seating purposes, details of external lighting within the rear outdoor seating area shall be submitted to and approved in writing by the Local Planning Authority. The external lighting shall be installed in accordance with the approved details and thereby retained as such unless a variation is subsequently submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with the National Planning Policy Framework.

- 10 There shall be no externally audible music from the building or within the outdoor seating area at any time.
Reason: To protect the amenities of the occupiers of the surrounding properties and the area generally from noise in accordance with Policy EN2/2 of the Bury Unitary Development Plan and the National Planning Policy Framework.
- 11 Unless it is an emergency, customers of the premises shall only leave the premises via the front doorway on to Bridge Street.
Reason: In the interests of pedestrian safety given the pavement on Bridge Street is very narrow and using this gate regularly would result in conditions detrimental to highway safety, in accordance with Policy HT6/1 of the Bury Unitary Development Plan and the National Planning Policy Framework.
- 12 The premises shall only be open for trade or business (including deliveries) between 08:00 hours and 23:00 hours Monday to Friday and between 08:00 hours and 23:00 hours on Saturdays, Sundays and public holidays.
Reason: To limit the potential for noise generation during unsocial hours and to prevent nuisance arising in order to safeguard the amenity of the occupiers of surrounding residential properties in accordance with the requirements of accordance with Policies EN2/2 and EN7/2 of the Bury Unitary Development Plan and the National Planning Policy Framework.
- 13 The outside seating area hereby approved shall not be used between 21:00 hours and 09:00 hours Monday to Saturday and between the hours 20:00 hours and 10: 00 hours on Sundays and Public Holidays.

Reason: To limit the potential for noise generation during unsocial hours and to prevent nuisance arising in order to safeguard the amenity of the occupiers of surrounding residential properties in accordance with the requirements of accordance with Policy EN2/2 of the Bury Unitary Development Plan and the National Planning Policy Framework.
- 14 The development shall be carried out in accordance with the Odour Management Plan, Rev. 1, prepared by Delta Tech Ltd, unless otherwise agreed in writing by the Local Planning Authority.
Reason: In the interests of the amenity of nearby occupiers and clean air and to comply with Policies EN7/1 of the Bury Unitary Development Plan and the National Planning Policy Framework.
- 15 Unless specifically expressed by another condition, the development shall be implemented and carried out in accordance with the Noise Impact Assessment, Issue 01, carried out by DAA Group, dated 20 January 2023.
Reason: In the interests of the amenity of nearby occupiers and to comply with Policy EN7/2 of the Bury Unitary Development Plan and the National Planning Policy Framework.
- 16 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any equivalent Order following the revocation and re-enactment thereof (with or without modification), the building

DELEGATED REPORT

shall be used for Class E(b) purposes (as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended)) only, and for no other purpose (including any other use which falls within use class E of the same Order or any equivalent Order following the revocation and re-enactment thereof, with or without modification.

Reason: To restrict the use of the building to an operation which is compatible with the adopted Local Plan, the nature of surrounding uses and to prevent future changes of use which have the potential to detract from the character of the area and/or harm the amenities of surrounding occupiers in accordance with the requirements of Policies S2/1, EN1/1, EN1/2 and EN7/2 of the Bury Unitary Development Plan and the National Planning Policy Framework.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
CB -	28/03/2023	HL	29/03/23