

DELEGATED REPORT

Report by Claire Booth	Date of report: 08/07/2025	Ref: 71866/FUL
Registration: 14/05/2025	LDFC: 10/06/2025	Expiry Date: 09/07/2025
Site Visit:	Site Notice: 28/05/2025	Press Date: 22/05/2025
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 from chiropractor (Class E) to bar (Sui Generis) following temporary approval

Location: 5 Square Street, Ramsbottom, Bury, BL0 9BE

Description

The application relates to a traditional 1 up - 1 down two-storey mid-terraced stone property, under a slate roof located on the south-east side of Square Street, Ramsbottom. The rear of the property has a rear yard area with a single storey brick built extension and a single storey brick outbuilding. It backs on to a cobbled street shared with the properties on both Princess Street and Bridge Street.

The property is located within a Primary Shopping Frontage and within Ramsbottom Conservation Area, as allocated within the adopted Development Plan.

Following approval of application 69932 which granted temporary planning permission for the change of use of the property from a Chiropractors (Use Class E) to a Bar (Sui-Generis Use) and insert a ventilation fan within a first floor window to the rear of the building, planning permission is again sought for the above use and proposal as the temporary permission has expired.

The proposed bar use would occupy both floors of the building. A bar has been installed downstairs against the wall of the property abutting no. 7 Square Street. The door to the rear of the property would be accessible from the staff side of the bar. The proposal shows a single toilet within the existing ground floor rear extension. At first floor level, a seating area is proposed.

To the rear of the property is a rear yard. This has a brick built mono-pitched outbuilding which is proposed to be used for storage and would provide a second toilet for the proposed business. The proposal seeks to store refuse bins to serve the proposed business within the rear yard area. This yard area has a single person width access gate onto Back Silver Street/ Back Square Street, a cobbled street that provides access to properties on Back Silver Street, the rear of properties on Square Street and Bridge Street.

The opening hours proposed for the bar are:

Monday - Saturday 10am - 11pm; and,
Sunday 11am - 10pm

Relevant Planning History

69932 - Change of use from chiropractor (Class E) to bar (Sui Generis) (part retrospective)
- Approved with Conditions, 22/11/2023 for a temporary period expiring on the 30 May 2025

69538 - Change of use from chiropractor (Class E) to bar (Sui Generis) - Withdrawn by Applicant, 20/06/2023

69269 - Lawful Development Certificate for proposed change of use from Chiropractor (Class E(e)) to a Bar (Class E(b)) - Refused, 17/03/2023

Publicity

A Site Notice was erected outside the property and another one was erected at the junction of Square Street with Back Square Street, the cobbled street located to the rear of Square Street, Silver Street and Bridge Street, on a lamp post outside Latimer Lee Solicitors.

Statutory/Non-Statutory Consultations

Conservation Officer - No comments or observations received.

Environmental Health - Pollution Control - As this is a existing trading premises and the previous application was granted for 12 months, Environmental Health has not received any complaints and therefore no objections to this application.

Waste Management - No comments or observations received.

Greater Manchester Police - designforsecurity - No objections subject to conditions 3 and 4 (relating to permanent closure of windows and hours of opening) being re-stated and the imposition of an additional conditions that define/restrict the use of outdoor space for drinking/smoking and control the hours when bottles and cans can be removed from the premises into the external waste containers.

Traffic Section (Local Highway Authority) - No objections subject to a condition relating to provision of bin storage being within the rear yard area.

Pre-start Conditions - Applicant/Agent [Not relevant] agreed with pre-start conditions

Development Plan and Policies

S1/2	Shopping in Other Town Centres
S2/2	Prime Shopping Areas and Frontages
S2/6	Food and Drink
EN2	Conservation and Listed Buildings
EN2/1	Character of Conservation Areas
EN2/2	Conservation Area Control
EN1/2	Townscape and Built Design
EN7/2	Noise Pollution
TC2/1	Upper Floors
TC2/3	Vacant and Cleared Sites
EC4/1	Small Businesses
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.

Principle of Development

The application site is located on Square Street within Ramsbottom town centre, which is allocated within the adopted Local Plan as prime shopping frontage. Following approval of application 69336 which gave temporary approval for an **18 month** period to change the use of the property to a bar, planning permission is sought to gain permanent approval for this use.

Policy S2/2 of the UDP states that within prime shopping areas, the Council will seek to maintain retailing as the predominant land use at ground floor level. Proposals for change of use or redevelopment within these areas will be assessed on their merits and by taking into account the following factors:

- a. the design and appearance of the proposed frontage;
- b. the maintenance or provision of a display window at ground floor level, where appropriate;
- c. access for the mobility impaired, where appropriate and through negotiation with the developer;

d. whether the proposed development will give rise to disturbance or nuisance;

In addition, where a proposal would lead to more than 10% of any identified prime shopping frontage being in non-retail use, the Council will also take into account the following factors:

- e. the location and prominence of the proposal within the prime shopping frontage;
- f. the number, distribution and proximity of other premises in non-retail use or with planning permission for such uses;
- g. the particular nature and character of the use proposed, including the level of activity associated with it.

Policy S2/6 states that the Council, when considering proposals which involve bars, will have regard to the following factors:

- a. the amenity of nearby residents by reason of noise, smell, litter and opening hours;
- b. whether or not the proposal would lead to an over concentration of Class A3 uses, which could adversely change the nature or character of a centre as a whole;
- c. parking and servicing provision associated with the proposed development and its effects in terms of road safety, traffic generation and movement;
- d. provision for the storage and disposal of refuse and customer litter;
- e. the environmental impact of any ventilation flues/ducting.

Public houses, wine bars or drinking establishments were previously an A4 use and are now considered to be a sui generis use.

The section of Square Street (from its junction with Smithy Street to its junction with Bridge Street) contains 13 properties. 7 of the 13 properties are in residential use, with the majority of these being flats at first floor level.

Out of the 13 properties on Square Street, 11 properties are in use for retail, office, financial and professional services, and restaurant uses, all of which fall within the Class E use class and are appropriate uses within the town centre. The NPPF Glossary states Bars and Pubs are also main-town centre uses, therefore the principle of using this former residential property as a bar/ drinking establishment is acceptable in principle.

Residential Amenity

UDP Policy S2/6 - 'Food and Drink' requires, amongst other things, the amenity of nearby residents to be considered by reasons of noise, smell, litter and opening hours.

UDP Policy EN7/2 - 'Noise' states that to limit noise pollution the Council will not permit development which would lead to an unacceptable noise nuisance to nearby occupiers.

The application site is located between Nos 3 and 7 Square Street. No. 70 Bridge Street has been combined with Nos 1 and 3 Square Street to form a retail unit at ground floor level and a self-contained flat at first floor level. The flat has a boundary with the application site and is accessed via Back Square Street/ Back Princess Street. No. 7 Square Street has planning consent for use as an office and as business rates have been paid on the property, this consent has been implemented. Attached to no. 7 Square Street is no. 9 Square Street, a Barbers, which has a first floor flat above, accessed from the rear cobbled street.

Opposite the front of the property is a Hairdressers and a Dentists practice. On the opposite side of Square Street, albeit at a diagonal to the application site, a residential apartment exists above the ground floor uses of nos. 10 Square Street, a Restaurant (Vacant) and 12 Square Street (Retail).

To the rear and side of the application site, a flat above a retail property on Bridge Street (no. 63A) is present, which is accessed via Back Square Street/ Back Silver Street, the cobbled street to the rear. The occupiers of 63A Bridge Street also have an outlook over

the rear yard area of the application site and the cobbled back street.

Other properties also use the rear cobbled street to access their properties and homes include all businesses on the three streets (Square Street, Bridge Street and Back Square Street) and at least 5 homes, including a residential property, 2 Silver Street that fronts onto the cobbled back street.

The proposed development would occupy the ground and first floor and the first floor level of the building which would remain to be adjacent to the residential flat, no. 3A Square Street. The Council's Environmental Health section has advised that no complaints to the use of the property as a bar have been received in the last 12 months and no representations have been received, despite neighbouring properties, including flats at first floor level being notified by letter and a site notice being erected on the front drainpipe and on a lamp post located on the corner of Square Street with Smithy Street and Back Square Street.

Officers have also been within the premises over the last 12 months and have been around the property in the evenings, after 7pm, and have not experienced any significant noise or disturbance from the premises, primarily due to the small floor area of the property, which is restricted by the size of the bar, thus preventing any large number of patrons entering the premises, combined with the fact that no neighbouring residents have made any complaints to the Environmental Section of the Council and no representations have been received for this application, it is therefore concluded that the time restrictions previously imposed by condition no. 4 which restricted any trade or business to between 10:00 hours and 23:00 hours Monday to Saturday and between 11:00 hours and 22:00 hours on Sundays, Bank Holidays and/ or Public Holidays are working and thus, provided this condition is re-imposed, the proposal would not cause demonstrable harm to nearby occupiers.

The recommendations of Greater Manchester Police of additional conditions (see Consultee Response section) are noted, however, as the use of the premises has been operating for just over 12 months without complaint, it would be unreasonable to impose additional planning conditions.

Highway Safety and Waste Management

The Highway Authority has raised no objections to this proposal given the application sites town centre location, and provided sufficient refuse storage bins can be accommodated within the rear yard area.

The Council's Waste Management team have previously advised on the last application that they have no objections to the proposal provided 2 x 1100 litre bins, or the equivalent in standard bins be provided within the rear yard area. The applicant has provided an plan showing that the rear yard area of the application site can accommodate the required storage provision and have demonstrated that the rear gate opening and historic yard wall will not need to be altered in any way. On this basis, subject to a condition being imposed require refuse storage bins to be accommodated within the rear yard area, except for collection days, the proposal is considered to be acceptable in this regard.

Conclusion

It is evident from all of the above, that due to the small size of the property, its use as a bar does not cause harm and certainly not a demonstrable level of harm, to the amenity of nearby occupants. All conditions imposed to protect the amenity of nearby neighbours are therefore recommended to be reimposed and re-worded where necessary to make them relevant to this application. The proposal also does not cause harm to highway safety and the condition requiring the refuse bins to be located within the rear yard boundary of the application site will also be reimposed.

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 permission relates to the following plans:

OS. Site Plan/ Location Plan;
Drawing no. 0223/04-02 Rev. C: Block Plans; and,
Drawing no. 2023/04-01 Rev. C: Proposed Plans and Elevations,

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 and the National Planning Policy Framework.
- 3 The first floor windows on the front and rear of the building shall be non-opening and retained as such in perpetuity.

Reason. To protect the privacy of adjoining and nearby residential occupiers and to accord with Policies S2/6 - 'Food and Drink' and EN7/2 - 'Noise Pollution' of the Bury Unitary Development Plan.
- 4 The use hereby permitted shall only be open for trade or business between 10:00 hours and 23:00 hours Monday to Saturday and between 11:00 hours and 22:00 hours on Sundays, Bank Holidays and/ or 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 adjoining and surrounding residential properties in accordance with the requirements of Policies S2/2 – Prime Shopping Frontages, EN7/2 - Noise Pollution and S2/6 – Food and Drink, of the Bury Unitary Development Plan and the National Planning Policy Framework.
- 5 The refuse storage facilities indicated on the approved plans shall be implemented and made available for use to the written satisfaction of the Local Planning Authority prior to the development hereby approved becoming first occupied and shall thereafter remain available at all times.

Reason - In order to ensure that the development would maintain adequate facilities for the storage of commercial waste, iTo ensure adequate provision for the storage and disposal of refuse within the curtilage of the site, clear of the adopted highway, in the interests of highway safety, amenity and securing well designed development, pursuant to Policy EN1/2: Townscape and Built Design of the Bury Unitary Development Plan, Policy JP-C8:Transport Requirements of New Development of the Places for Everyone Development Plan and the National Planning Policy

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Framework.

<u>Case Officer</u> CB	<u>Date</u> 08/07/2025	<u>Sign off Officer</u>	<u>Date</u>
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