

DELEGATED REPORT

Report by Claire Booth	Date of report: 13/02/2025	Ref: 71396/FUL
Registration: 20/12/2024	LDFC: 23/01/2025	Expiry Date: 14/02/2025
Site Visit: 16/01/2025	Site Notice: N/A	Press Date: 23/01/2025
Objections: 0	Con Area: RAMS	Adv Type: CA
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: COUS

Proposal: Change of use of first floor and ground floor rear entrance from dwelling (Class C3) to offices (Class E)

Location: 64A Bridge Street, Ramsbottom, Bury, BL0 9AG

Description

The application relates to the first floor of a mid commercial terraced property located on the south side of Bridge Street, Ramsbottom within Ramsbottom Conservation Area. The application property is sited in the row of properties located between Square Street and Silver Street. A cobbled street exists at the rear of the properties on Bridge Street, Square Street and Silver Street.

The ground floor of the property is in retail use with the first floor of the property being in residential use (Use Class C3) as a one bedroom apartment. The first floor apartment is accessed from the rear of the property by the cobbled street that sits between the rear elevations of the properties on Bridge Street, Square Street and Silver Street.

Planning permission is sought to change the first floor to provide office accommodation (Use Class E). The first floor would provide to rooms to be used as offices. A kitchen and W/C is to remain in the centre of the two office rooms.

Relevant Planning History

45512 - First Floor Extension at rear and new roof to existing ground floor extension; insertion of new window to ground floor extension. Refused, 29/12/2015

46087 - Rear extension and alterations (Resubmission). Approved with Conditions, 23/05/2006

Publicity

Due to the application being within Ramsbottom Conservation Area the application has been publicised by Site Notice, one of which was erected on Bridge Street and within the back street (cobbled) on the 16 January 2025.

12 neighbouring properties have also been consulted by letter.

No representations have been received.

Statutory/Non-Statutory Consultations

Traffic Section - Asked for clarification over the location of existing/ proposed refuse storage provision to ensure the bins do not encroach onto the adopted highway.

Conservation Officer - No objections.

Environmental Health - Pollution Control - No objections.

Waste Management - No comments or observations received.

Pre-start Conditions - Not relevant

Development Plan and Policies

Area	Bolton Street/Bridge Street
RM3	
S1/2	Shopping in Other Town Centres
S2/2	Prime Shopping Areas and Frontages
TC1	Town Centres
TC2/1	Upper Floors
H1/2	Further Housing Development
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
EN2/1	Character of Conservation Areas
EN2/2	Conservation Area Control
EN1/2	Townscape and Built Design
EN7	Pollution Control
EN7/2	Noise Pollution
EN7/5	Waste Water Management
HT2/4	Car Parking and New Development
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 site is located on Bridge Street within Ramsbottom Town Centre on a Primary Shopping Frontage. The first floor of the property was previously in use as a residential apartment (Use Class C3) and this was accessed from the cobbled street at the rear of the property.

The National Planning Policy Framework should be treated as a material planning consideration and it emphasises the need for local planning authorities to boost the supply of housing to meet local housing targets in both the short and long term.

UDP Policy TC2/1 states that the Council will support proposals which bring underused and vacant space on upper floors of premises into beneficial use. The first floor of this property is currently in use as a residential flat. It is noted that there are no planning policies restricting the loss of residential units.

The site is located within the urban area and Town Centre and an office use is considered to be an appropriate use in a Town Centre. The ground floor retail use will remain in situ therefore the Principal Shopping Frontage within Ramsbottom Town Centre. The principle of development is therefore acceptable.

Sites Location within the Conservation Area

Sections 66 and 72 of the Town & Country Planning (Listed Buildings & Conservation Areas Act) 1990 imposes a statutory duty upon the Local Planning Authority (LPA) to recognise, positively manage and ensure the preservation or enhancement of Listed Buildings and Conservation Areas.

The property is located with Ramsbottom Conservation Area. No external changes are proposed to facilitate the proposed development and therefore the Conservation Officer has raised no objections to the proposed change of use.

Highway Safety

One aspect that does affect the character and appearance of the conservation area is the presence of bins on highways. This property has no rear yard area and therefore refuse storage provision in the form of wheelie bins occur on the cobbled street to the rear of the property, where the bins for no. 64 and 64A are lined up against the rear single storey extension.

The Local Highway Authority (LHA) has raised objections that no off-highway dedicated refuse storage area is provided. The LHA concerns are noted, however, it is clear that the

first floor of the property is currently a residential apartment. An office use would create less waste than a domestic use and therefore no additional bins would be required to support this proposal. On this basis, it would be unreasonable to refuse the application on the grounds of either highway safety or the impact of bins being stored on a highway within the conservation area.

Amenity

There are no residential apartments on either side of the application site, however first floor flats exist in 3A Square Street and 2 Silver Street. The proposed Office use is generally a quiet use and thus no more noisy than an occupant of a dwelling could be. Therefore, the proposal is considered to be acceptable in this regard.

The proposed use would fall under Use Class E (E(g)(i): Offices to carry out any operational or administrative functions which can be carried out in a residential area without detriment to its amenity). Class E was brought in to allow a variety of commercial, business and service uses to allow uses within properties to be interchangeable without needing to seek planning permission. Having viewed the 11 parts of Use Class E, it is apparent that the first floor of this property, which is considered to be a separate planning unit to the ground floor use, is not big enough to accommodate some of the uses, such as recreation or fitness uses, creches, day centres and nurseries. The remaining uses that could be accommodated within the first floor of this building would not cause detriment to the amenity of nearby residents. For this reason, no condition needs to be imposed restricting the opening times of this upper floor location.

Conclusion

To summarise, the proposed use of the first floor of the property is considered to be acceptable and would not generate any issues that would cause demonstrable harm to the amenity of nearby residents, the character and appearance of the conservation area or to highway safety. It is therefore recommended that planning permission be approved.

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 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:

Drawing no. NH4-00: Location Plan;
Drawing no. NH4-03: Proposed Block Plan; and,
Drawing no. NH4-02: Proposed Floor 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.

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Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to the policies of the Bury Unitary Development Plan and Places for Everyone Joint Development Plan listed.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
CB	13/02/2025		