

Ward: Ramsbottom and Tottington -
Ramsbottom

Item 06

Applicant: Mr Malik

Location: 62 Bridge Street, Ramsbottom, Bury, BL0 9AG

Proposal: Change of Use from cafe (Class A3) to hot food takeaway (Class A5), to include extract flue and staircase at the rear

Application Ref: 65723/Full

Target Date: 16/09/2020

Recommendation: Approve with Conditions

Description

The application relates to a vacant shop premises which is located in Ramsbottom Town Centre and within the designated Ramsbottom Conservation Area. The premises are within a row of other shops and commercial businesses in a mix of different uses which form one of the main shopping frontages in the town. Above the shops on this row are residential units, storage/office areas or uses ancillary to the businesses.

Access to the rear of the premises is either via Smithy Street or a walkway which is located between Nos 6 and 8 Silver Street. This access also serves the rear of the adjacent commercial and residential properties.

The ground floor of the premises was formerly a cafe (Use class A3) and the upper floor vacant. The property itself is a stone mid-terrace build which has a single storey rear extension which serves as a store room. There is a small external yard area which provides bin store facilities and access to the rear of the property.

The application seeks the change of use from a cafe to a hot food take away.

The business would operate from the ground floor with the 1st floor used for storage purposes.

It is also proposed to form an external staircase to the rear of the property for access to the first floor and incorporate an internal flue which would project 1.4m from the rear roof plane. There are no proposals to change the shop front.

Hours proposed are Sunday to Thursday 11am to 11.30pm and Friday and Saturday 11am to 12.30pm.

Relevant Planning History

62200 - Prior approval for proposed change of use from shop (Class A1) to cafe (Class A3)

- Prior Approval Required and Granted 23/01/2018

19/0046 - Change of use of first floor flat to business use - 01/04/2019

Publicity

Letters sent on 3/8/2020 to properties on Square Street, bridge street, Silver Street.

Site notice posted 14/8/20

Press advert in the Bury Times 6/8/20.

Ten letters of objection received from Nos 3A Square Street, 2 Silver Street, 93, 12A Bolton Street, 64, 64A Bridge Street, 36 Market Place, 18 Manor Street, 9A Square Street with the following issues:

- Would like to know more regarding what kind of takeaway is being proposed, hours of

operation etc. I already have 3 kebab/ pizza places within 200 yards of my property and there are a large number of restaurants / other takeaways within the same walking distance, so I do not see how another is necessary.

- Takeaways can be hotspots for ASB / nuisance depending on their operating hours and the kind of food being served
- Concerned there may be some interference with my right to quiet enjoyment of my home.
- Also why is a staircase required at the rear? Will this affect my right to quiet enjoyment? Are there plans to have trade waste bins at the rear as this could affect access to properties? Trade waste bins are a must in my opinion having seen numerous poisoned rats in the back alley
- My home is attached to the premises - hot food takeaways can open late but the application states no hours - late opening would have a devastating impact on my life
- Have a party wall with the property - noise disturbance
- No indication of the use of the first floor
- New staircase proposed would be beside my outside wall - could encourage noise nuisance and make it difficult to access my gutter and roof
- Concerned about the extraction system - noise, odour, vibration
- Hope it will be refused - if approved ask that the use be ground floor only and soundproofing installed in the building
- Increase in litter.
- Cars parking up along the main road blocking the street.
- The face of Ramsbottom has changed considerably over the past few years with traditional shops being replaced with bars, restaurants, bistros and takeaways. It has reached a point where enough is enough and more traditional shops should be encouraged to provide a balance of businesses.
- Concerned about the business hours attracting people at unsociable hours.
- Despite the recent inclusion of opening hours (89 ½ hours per week excluding set up and clear up) this application is still devoid of many details as to what their plans are. This is concerning as any business would usually have a fully detailed plan. This application is the equivalent of asking you to sign a blank cheque.
- Currently, on the even numbered block on Bridge Street between Square Street and Silver Street there are no businesses' which open outside of daytime hours. This gives a nice buffer between the many takeaways near the top of Bolton Street and those further down Bridge Street. It would be a shame to lose this as it gives a safe passage to walk from the area I live to the supermarkets in the evening.
- Lowering the flue means odours will be dispersed nearer to the ground potentially causing problems for locals.
- Due to lack of evidence to the contrary, I assume this is not going to be a salad bar or a supplier of any other wholly healthy option. As we presently are still in the Covid epidemic do we really want more business here that will encourage people to congregate? Also, we have an obesity problem, should we not be encouraging more healthy eating rather than more "hot food" takeaways. To approve this application would make the council look disinterested in taking steps to encourage more healthy eating.
- Additionally, as a dog owner, I have needed to be wary about the presence of food waste, broken glass, rat droppings and pest poison pellets whilst walking my dog. An increase in food waste and littering has a chance in increasing the presence of pests.
- If the rear of the property is used as an entrance/exit, this will likely mean this will regularly be used as an entrance/exit. The presence of more cars could result in residents not being able to access their cars in an emergency.
- Substantial building works are currently being carried out internally.
- If the decision is granted it will not show your department in a good light.

Those who have objected have been notified of the Planning Control Committee meeting.

Statutory/Non-Statutory Consultations

Traffic Section - No objection.

Waste Management - No objection.

Environmental Health - Pollution Control - No objection subject to the submission of a ventilation scheme.

Conservation Officer - No objection

Pre-start Conditions - Applicant/Agent has agreed with pre-start conditions

Unitary Development Plan and Policies

NPPF	National Planning Policy Framework
EC4/1	Small Businesses
EN1/2	Townscape and Built Design
EN1/8	Shop Fronts
EN2/1	Character of Conservation Areas
EN2/2	Conservation Area Control
EN7/1	Atmospheric Pollution
EN7/2	Noise Pollution
S1/2	Shopping in Other Town Centres
S2/2	Prime Shopping Areas and Frontages
S2/6	Food and Drink

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.

Chapter 7 - Ensuring the vitality of town centres of the NPPF at para 85 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.

UDP Policy S1/2 - Shopping in Town centres seeks to maintain and strengthen retail roles in other town centres. The main emphasis will be on consolidation and enhancement of the centres.

UDP Policy S2/2 - Prime Shopping Areas and Frontages seeks to maintain retailing as the predominant land use at ground floor level. proposals for change of use will be assessed on their merits and take account of factors to include:

- a) design and appearance of the proposed frontage;
- b) maintenance/provision of a display window at ground floor where appropriate;
- c) access for the mobility impaired where appropriate;
- d) whether the proposal 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:

- 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;
- g) the particular nature and character of the use proposed, including the level of activity associate with it.

UDP Policy S2/6 on food and drink which states that, in considering all proposals which involve restaurants, hot food takeaways, cafes, snack bars, wine bars and public houses, the Council 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 result in an over concentration of Class A3 (now A3, A4 and A5) 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 and/or ducting

Policy principle - Use

The application site is located within Ramsbottom Town Centre and as such policies S1/2 (Shopping in other town centres) and S2/2 (Prime shopping areas and frontages) of the 1997 adopted Bury Unitary Development Plan (UDP) are relevant. Under Policy S2/2 the Council seeks to maintain class A1 retailing as the predominant land use a ground floor level within prime shopping areas and frontages by taking into account a range of factors. Given the proposed use of the premises as a hot food takeaway, the proposal should also be considered against Policy S2/6.

The majority of the criteria set out under UDP policy S2/6 are matters of detail but, in terms of principle, criterion (b) considers whether the proposal would result in an over-concentration of food and drink uses which could adversely change the nature or character of a centre as a whole.

It is understood that the unit subject of this application is currently vacant having previously been used as a café (use class A3). As such at the present time the unit is generating no activity. The property sits within a parade of six units, the other five units in the frontage are all currently in A1 use therefore as a result of this application the proportion of A1 uses would not change in this frontage. On the opposite side of Bridge Street there is a parade of shops consisting of ten units, three of which are currently in use as food and drink establishments. On this basis it is considered that the proposal would not result in an over-concentration of food and drink uses which would adversely change the nature or character of the centre as a whole. Furthermore the proposal would have a positive impact in bringing a vacant unit back into use and make a positive contribution to help support the long term vitality and viability of the town centre.

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 to promote their long term vitality and viability.

It is therefore considered that the proposed development would be acceptable in planning policy terms and would comply with the principles of the NPPF and UDP Policies S2/2 and S2/6.

Heritage - Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 sets out the duties imposed upon a Local Planning Authority in respect of Conservation Areas in exercising its planning functions.

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 conserve them 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 and a Heritage Assessment has been submitted with the application.

The application site is located within a continuous frontage of shops, commercial premises and residential properties in a prominent part of the town centre. As a vacant premises, it does not contribute positively to either the vitality of the shopping centre or the character of the conservation area. UDP Policy EN2/1 and para 192 of the NPPF considers the positive benefits of the re-use of buildings and contributing to the economic vitality of an area, providing it would conserve or enhance the Conservation Area.

The re-use of the building would bring positive benefits in preserving the historic character of the area and contributing to the vitality and viability of the town centre and given the hours of operation in an area of Bridge Street with a burgeoning night time economy, would not harm the character of the conservation area and would at least preserve it.

The proposed flue is considered acceptable as the majority of the extraction system would be located internally and the proposed staircase, also at the rear within the existing yard is considered not to harm the character or appearance of the conservation area and as such would preserve it.

There would be no alterations to the traditional shop frontage and as such no change to the important historic fabric of the building.

As such, it is considered that in heritage principles, the re-use of the building would preserve Ramsbottom town centre and would comply with the principles of the NPPF and UDP Policies EN2/1 and EN2/2.

Impact on residential amenity - Impacts on residential amenity would likely arise from noise and disturbance which could be created by the use and smells from food cooked on the premises.

Noise and disturbance - A hot food takeaway can have the tendency to generate more activity and noise, as trips by customers would be more frequent but for less prolonged periods of time, including waiting in the area whilst food is prepared and eaten.

There are residential properties and flats above shops in the area and No 2 Silver Street shares a party wall with the application site. Activity and noise from within and outside the premises could cause noise and disturbance to the occupiers of these residential units.

During the day, the premises would function amidst other businesses, where comings and goings from shoppers and visitors are expected in shopping areas. Patronage to the premises during the day would also tend to be more 'low-key' within a shopping and daytime environment.

During the evening, takeaways tend to experience a greater number of trips at the later hours and although trips are likely to be more brief than other food establishments such as restaurants, groups may still congregate and talking and general behaviour may be louder and more disruptive.

The premises are located in the middle of the town centre where it would be expected to find a number of uses, which are also open later in the evening, and which would be part of town centre living.

The application proposes opening until 11.30pm Sunday to Thursday and 12.30pm on

Friday and Saturdays. Whilst a town centre location and the use considered acceptable in principle and with regard to the adjacent and close by residential properties, the hours are a little excessive when most other businesses would be closed and the town more peaceful and quiet at the later part of the night. It is therefore considered that during the week, 11pm and at weekends, 11.30pm would be reasonable in this location and this would be a condition of the application.

These hours would not be unreasonable for this particular location and would align with other late night uses which are found in the town.

The Pollution Control Section have raised no objection to the type of use proposed, but it would be recommended that a soundproofing scheme be incorporated between the party wall of the adjacent occupiers to ensure that noise from the premises would be mitigated to acceptable degrees and this would be required prior to the first use and occupation of the development.

In view of the above considerations and with the appropriate conditions in place, it is considered that the proposed use would be acceptable in this location of the town centre.

Fumes and smells - The plans show that a ventilation flue would be located internally and would project 1.4 m from the rear roof plane. The Pollution Control Section have not raised any objection in principle to the proposed system, but have recommended a condition that details of the functioning of the flue be submitted for approval to ensure that fumes are dispersed into the atmosphere without causing harmful smells and pollution to the area or surrounding occupiers.

From a visual amenity perspective, only 1.4m of flue would be visible and given it would be located at the rear it is considered there would not have a significant impact on the visual amenity of the area and the development would continue to preserve the character of the conservation area.

Rear staircase - It is proposed to access the 1st floor via a new set of steps and through a doorway which would be formed from an existing first floor window. The steps would be located at the rear of the premises and directly adjacent to the wall of No 2 Silver Street. The new access could generate some noise and disturbance from users where previously there was none. Rather than metal steps which can be rattle and echo, the applicant has sought to mitigate against noise by using timber treads and enclose the stairs with a canopied covering. This would be conditioned.

As the first floor would be used for storage purposes only, it is unlikely that the steps would be in a constant use, and lesser so in the evening and late at night when it is likely that any equipment or products which are stored at 1st floor and are associated with the use and needs of the business would already be collected for the evening trade.

It is therefore considered that the location and use of the proposed staircase would not cause significant or detrimental disturbances to the adjacent properties.

It is also noted that there are 2 small windows in the rear elevation of the adjacent property. These windows are blocked internally and as such there would be no issues from overlooking or privacy.

As such, with suitably worded conditions, it is considered the proposed development would not have a significant or adverse impact on the amenity of adjacent occupiers and would be acceptable and would comply with EN1/2, EN7/2, S2/2 and S2/6.

Visual amenity - There are no proposed changes to the shop front which would be retained as existing.

Highways - The premises are located in a town centre and a highly sustainable location,

and where it would not be expected that dedicated parking be provided for individual shops or for restaurants and bars. It is likely that in such a location, patrons would either live nearby or within walking distance or would visit the premises following an evening out in the town centre. There are also a number of public car parks in the area, and on street parking available later in the evening.

As such, it is considered there would not be any parking issues and the Highways Section have raised no objection in this regard.

Bin storage - Bins for the previous business were stored in the rear yard area and there would be no change to this arrangement for the proposed use which would provide an adequate storage area for the scale and type of development proposed.

The Waste Management Team and Highways Section have raised no objection to the proposed development or the proposed storage of waste facilities and as such is considered acceptable and in compliance with UDP Policies EN1/2 and S2/6.

Response to objections

- Litter - Adequate bin store facilities would be provided and stored in the rear yard area, as is currently the arrangement for the previous cafe use.
- The use of the premises for a hot food take away has been assessed in policy terms and the use considered acceptable and would not result in an over concentration of this type of use. To bring a vacant premises in a town centre back into use would contribute to the town's vitality and viability.
- All other issues have been considered in the above report.

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/ 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 decision relates to drawings numbered - Existing plans and elevations PM7-01A; Proposed plans and elevations PM7-02B; Block plan PM7-03 - 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.
3. The bin storage facilities indicated on the approved plans shall be provided before the use hereby approved commences and shall subsequently be maintained at all times.
Reason. To ensure adequate off-highway bin storage facilities are provided within the curtilage of the site, in the interests of road safety pursuant to Bury

Unitary Development Plan Policies EN1/2 - Townscape and Built Design and S2/6 - Food and Drink.

4. No development shall take place unless and until a scheme to soundproof the party walls and floor/ceiling between the ground floor and the first floor has been submitted to and approved by the Local Planning Authority. Such works that form the approved scheme shall be completed before the development hereby approved is brought into use.
Reason. The application contains insufficient detail in order to demonstrate that the required scheme would maintain the residential amenities to protect the residential amenities of the future occupiers of the flat pursuant to UDP Policies S2/2 - Prime Shopping Areas and Frontages, S2/6 - Food and Drink and EN7/2 Noise Pollution.
5. The external staircase hereby approved shall be fitted with timber treads and covered by a black canopy in accordance with the details on approved plan PM7-02B prior to the first use of the development hereby approved and thereafter maintained.
Reason. To protect the amenity of occupiers of the adjacent residential properties pursuant to Bury Unitary Development Plan Policies S2/2 - Prime Shopping Areas and Frontages, S2/6 - Food and Drink and EN7/2 Noise Pollution.
6. The use hereby permitted shall not be open to customers outside the following times:
10am to 11.00pm - Sunday to Thursday
10am to 11.30pm Fridays and Saturdays.
Reason. To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to Policies S2/2 - Prime Shopping Areas and Frontages, S2/6 - Food and Drink, EN1/2 - Townscape and Built Design and EN7/2 Noise Pollution of the Bury Unitary Development Plan.
7. No development shall commence unless and until a scheme for treating, diluting and dispersing fumes and odours has been submitted to and approved in writing by the Local Planning Authority. The scheme submitted shall include a written statement from a suitably qualified person who is a member of the Heating and Ventilation Contractors Association (HVCA) or an equivalent professional body, stating that the fume treatment to be installed complies with or exceeds the 'Minimum Requirements For Odour Control' provided by the Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems :DEFRA 2005 (or if applicable such superseding guidance as shall prevail at the time of commencement of the development).

The scheme to be submitted shall also include the relevant manufacturer and installer instructions for any associated equipment with details of maintenance requirements.

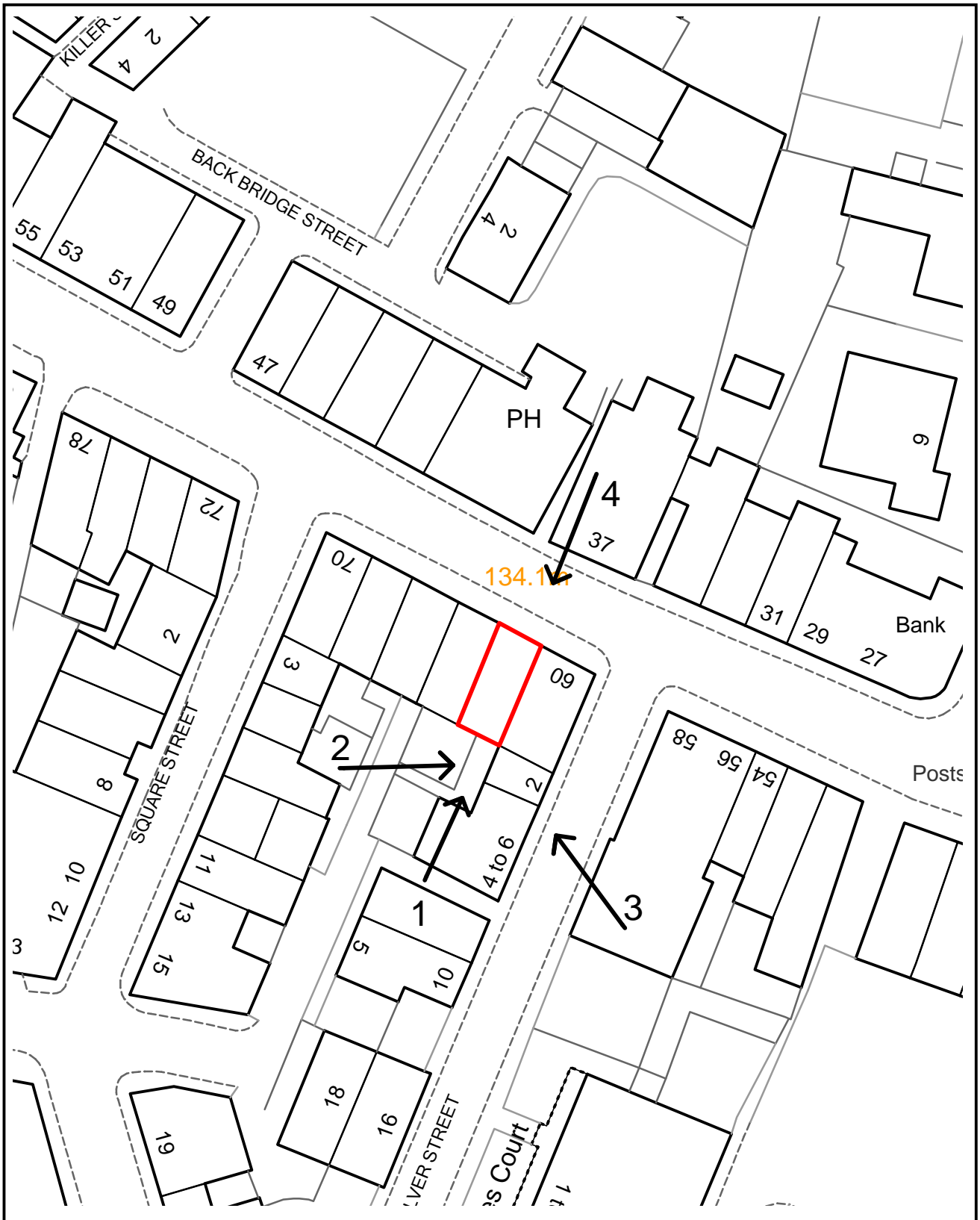
The scheme as approved shall be implemented prior to the first use of the development hereby approved and thereafter maintained in accordance with the approved scheme whilst it shall serve the development.
Reason. The application contains insufficient detail in order to demonstrate that the required scheme would maintain the residential amenities of nearby residential property from impact upon from fumes and odour pursuant to UDP Policies S2/2 - Prime Shopping Areas and Frontages, S2/6 - Food and Drink, EN1/2 - Townscape and Built Design, EN7/1 - Atmospheric Pollution and EN7/2 Noise Pollution.
8. No development shall commence unless and until details of the canopy covering to the rear external staircase hereby approved have been submitted to and approved by the Local Planning Authority. The approved details only shall be implemented prior to the first use and occupation of the development hereby

approved and thereafter maintained.

Reason. In the interests of visual and residential amenity pursuant to EN1/2 - Townscape and Built Design, EN2/1 - Character of Conservation Areas, EN2/2 - Conservation Area Control and EN7/2 Noise Pollution of the Bury Unitary Development Plan.

For further information on the application please contact **Jennie Townsend** on **0161 253-5320**

Viewpoints



PLANNING APPLICATION LOCATION PLAN

APP. NO 65723

**ADDRESS: 62 Bridge Street
Ramsbottom**

Planning, Environmental and Regulatory Services

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Bury
COUNCIL

65723

Plan 1



Plan 2



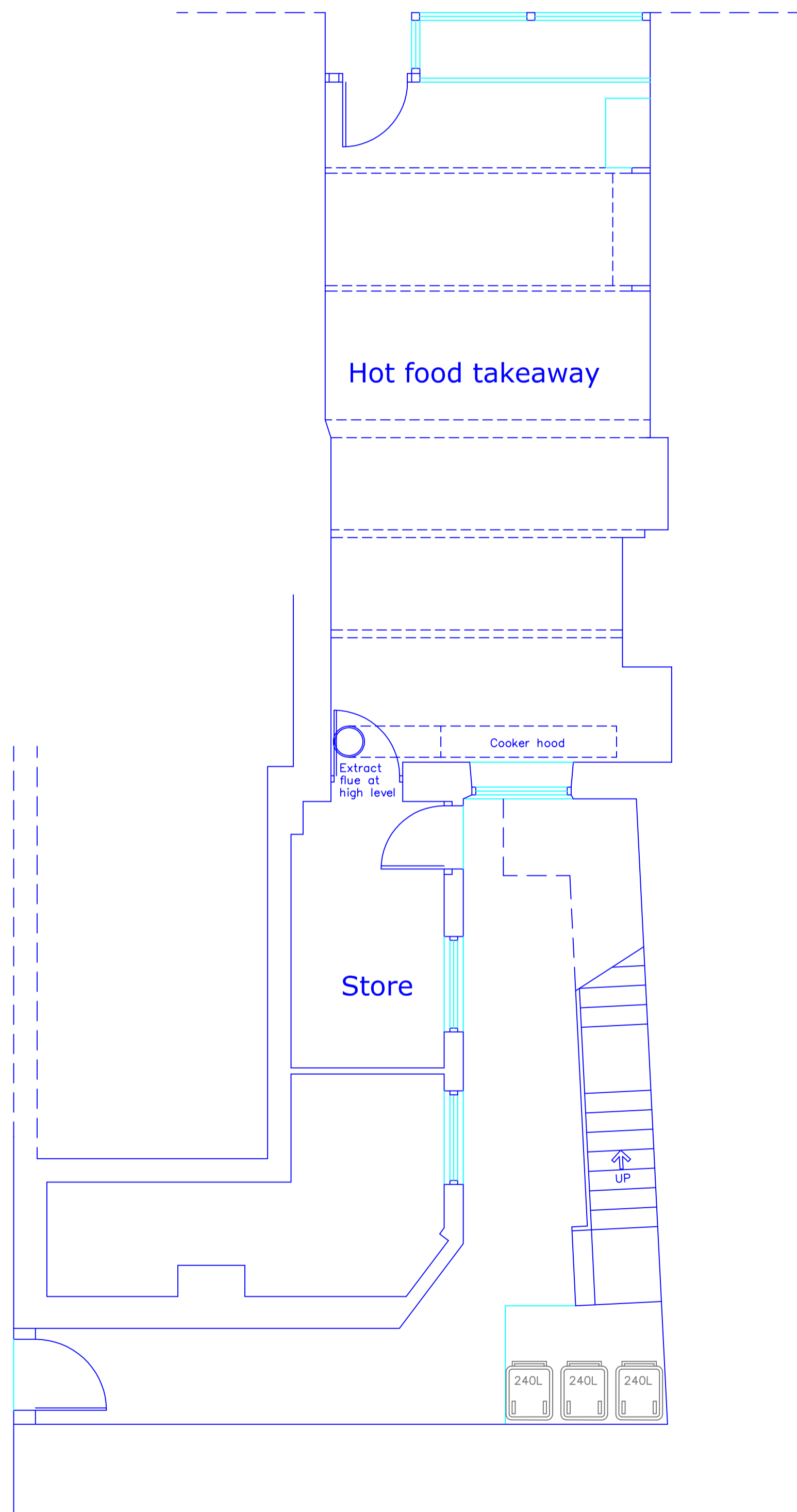
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Plan 3

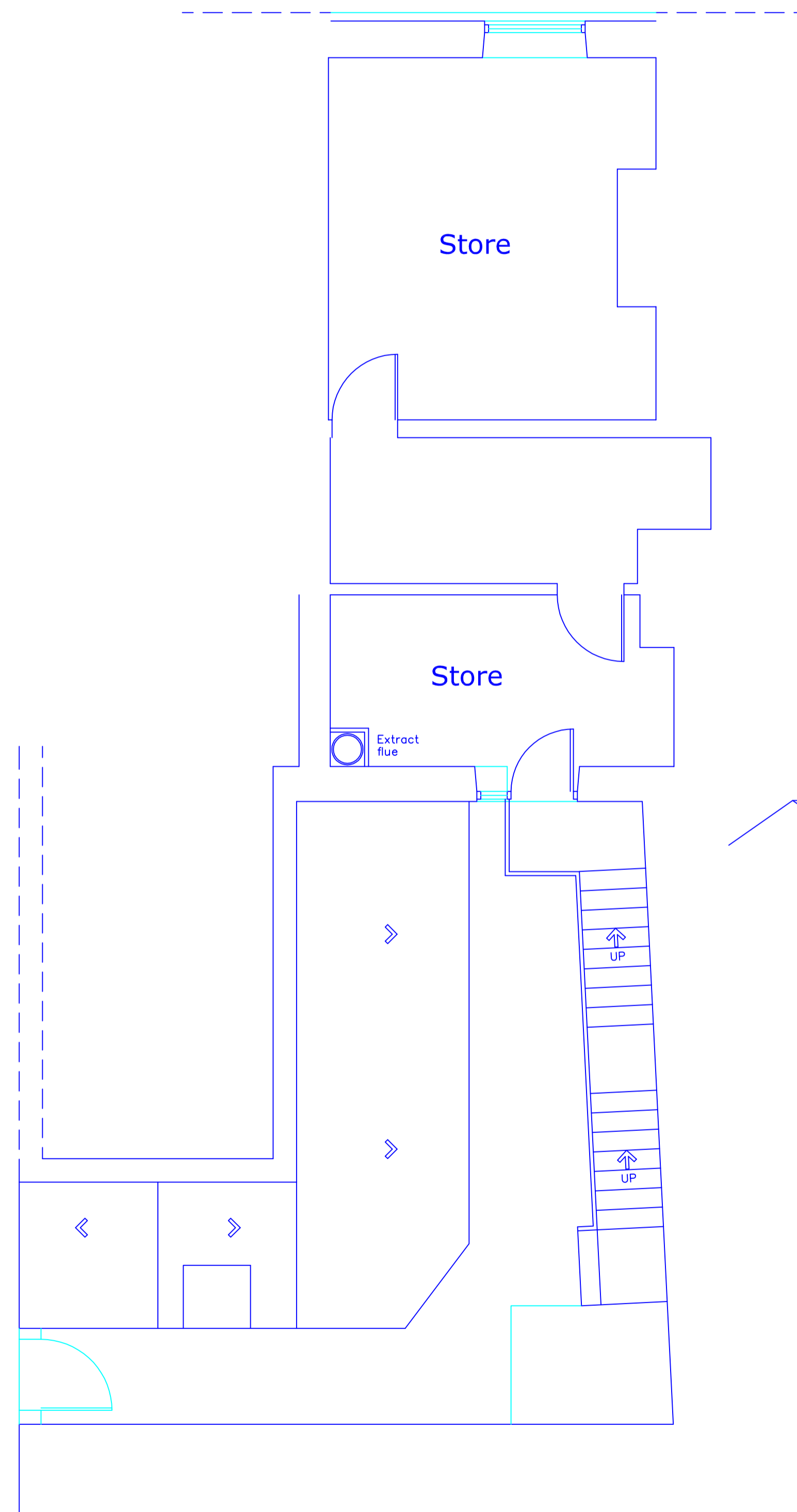


Plan 4

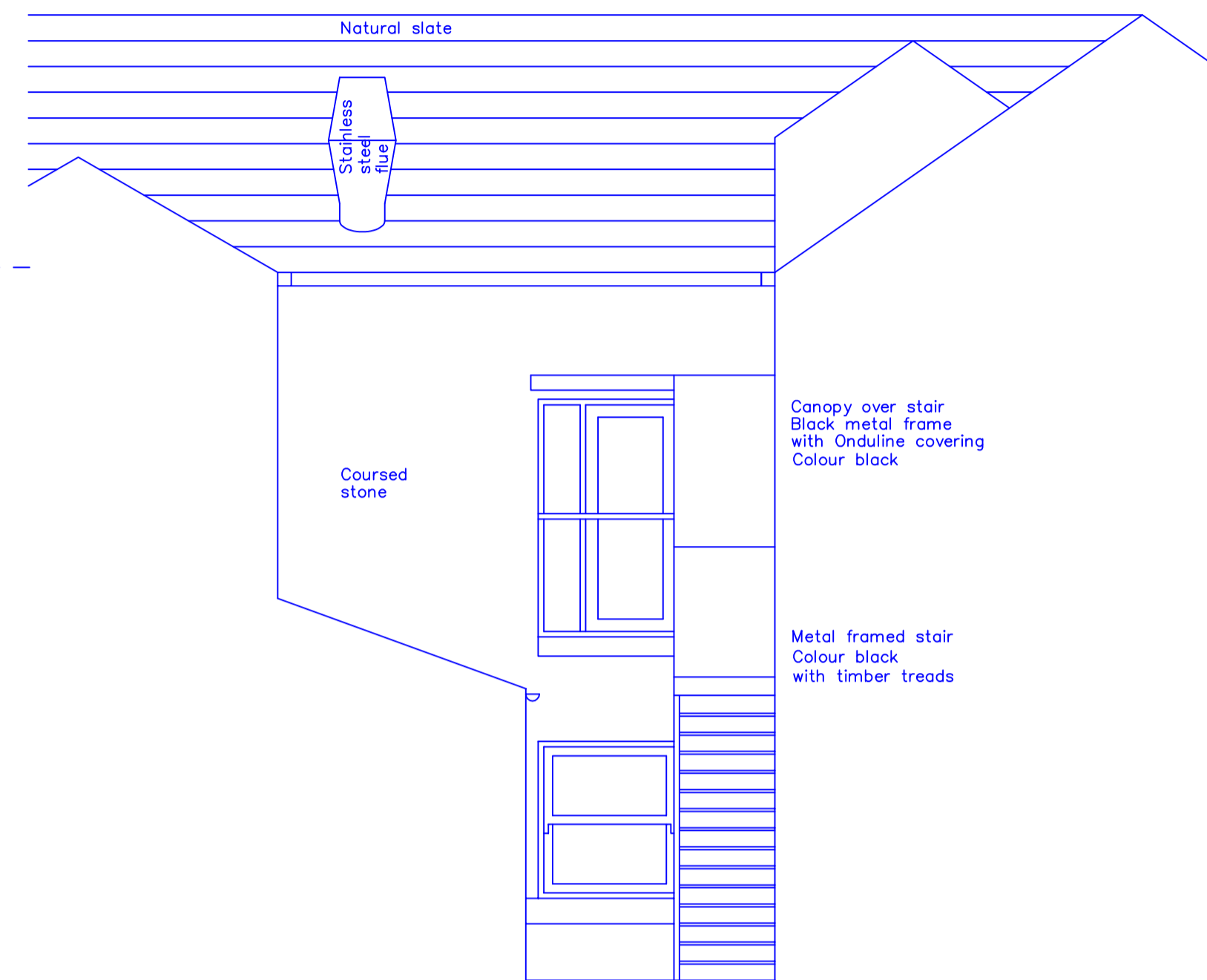




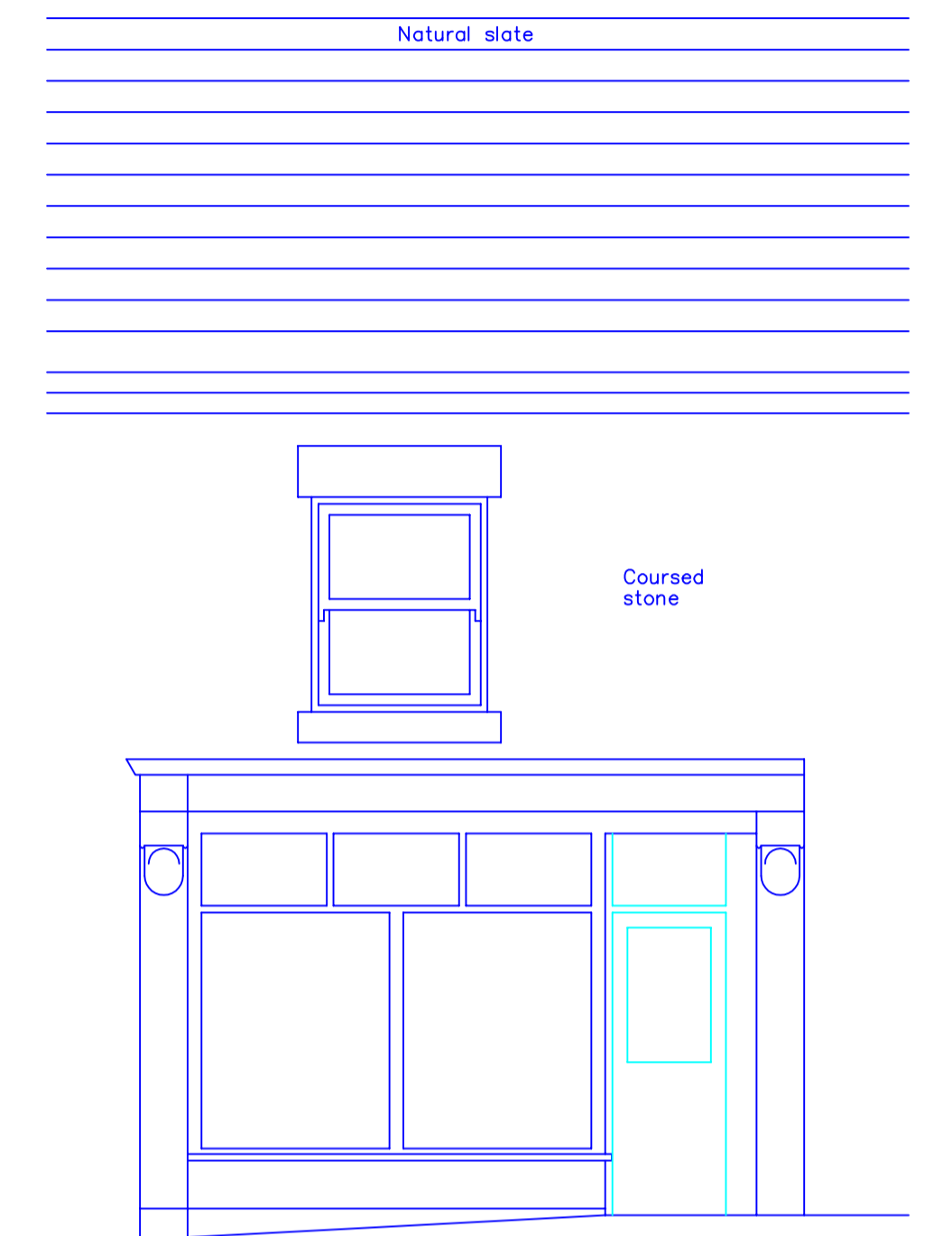
Proposed Plan
Ground Floor



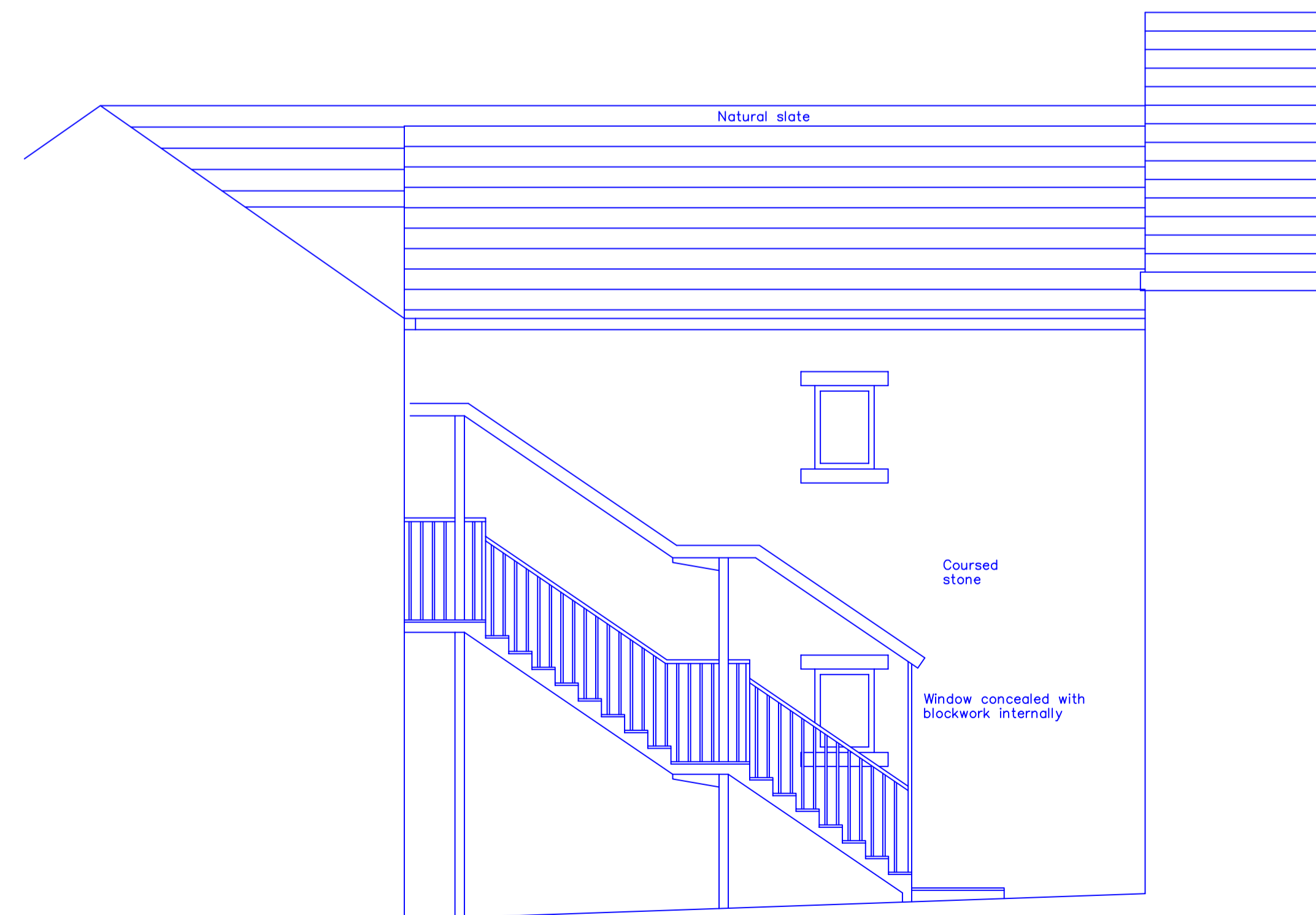
Proposed Plan
First Floor



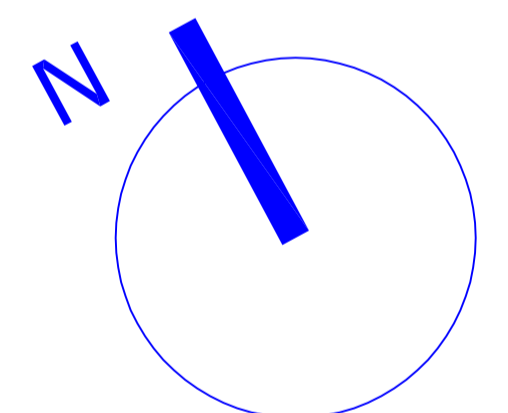
Proposed Rear Elevation



Proposed Front Elevation



Proposed Side Elevation



- B Extract flue Internal 14.09.2020
- A Side elevation added with stair
Bins indicated / flue reduced in height 20.08.2020

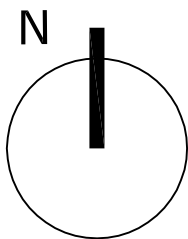
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PM7-02B Proposed Plans & Elevations	
PPY design Ltd	

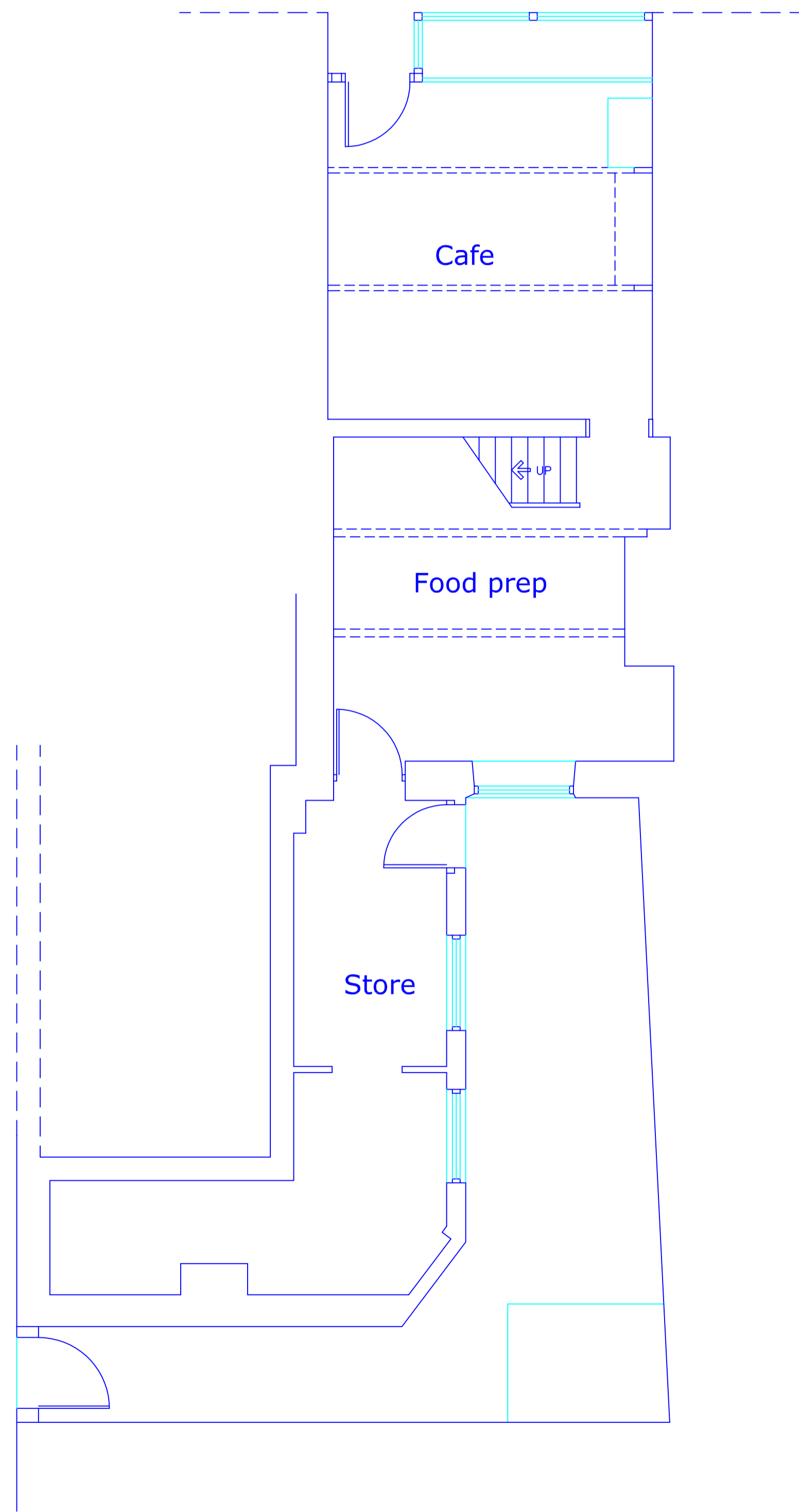
2 Helmshore Road, Holcombe Village
Ramsbottom, Lancashire BL8 4PA

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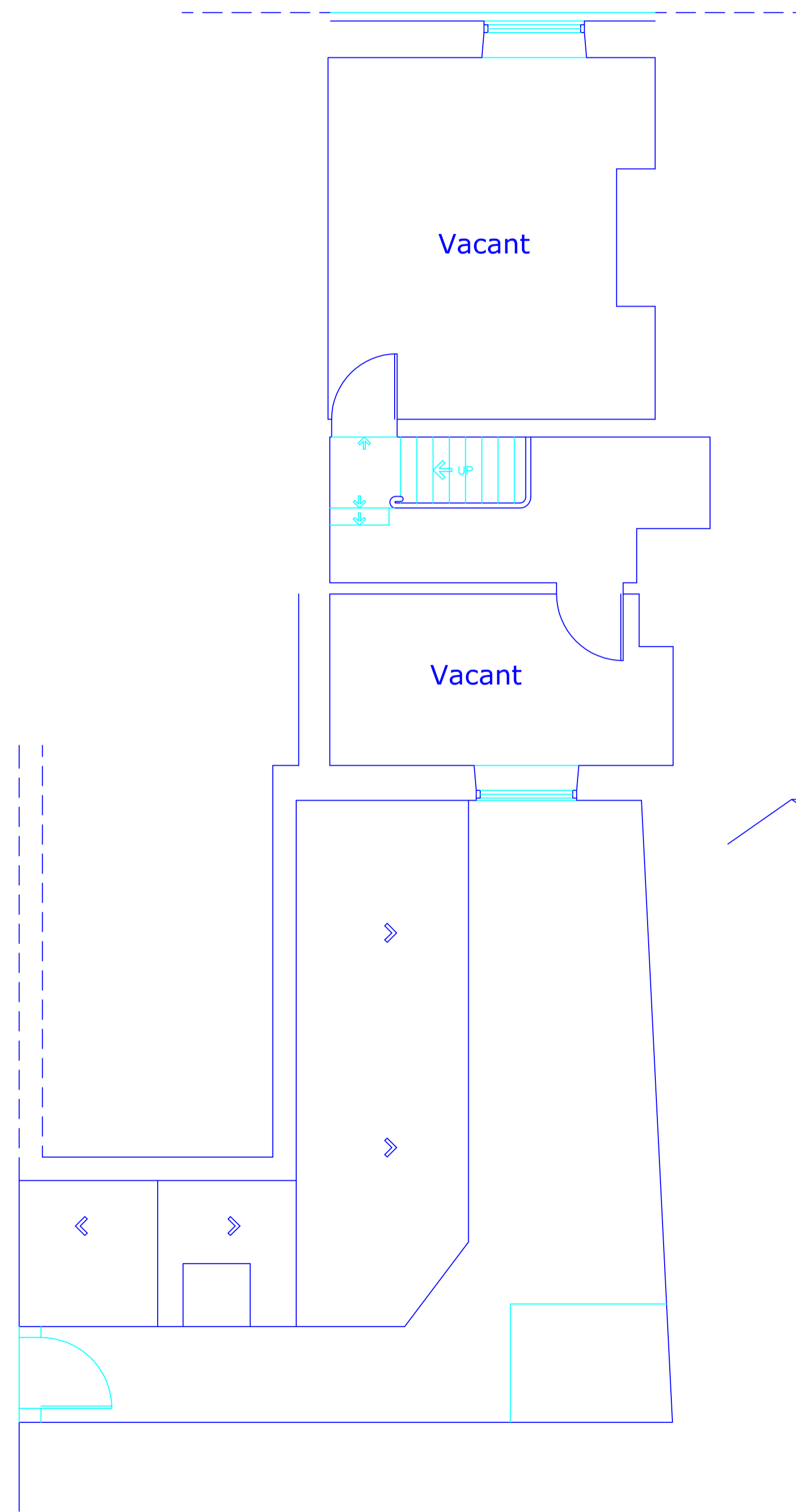


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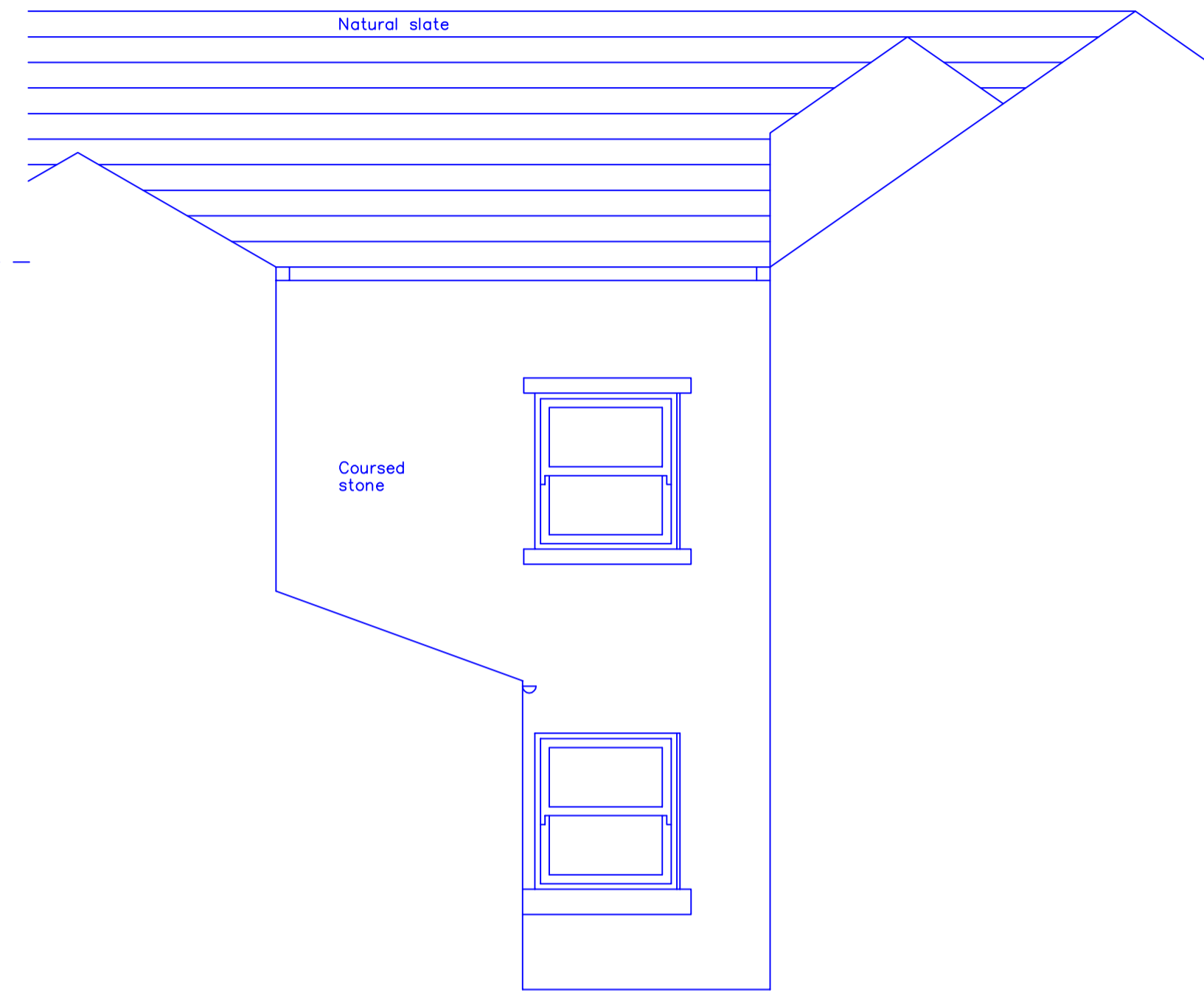
<p>62 Bridge Street Ramsbottom BL0 9AG</p> <p>PM7-03</p> <p>PPY design Ltd</p>	<p>scale 1:500 at A4 June 2020</p> <p>Block Plan</p>



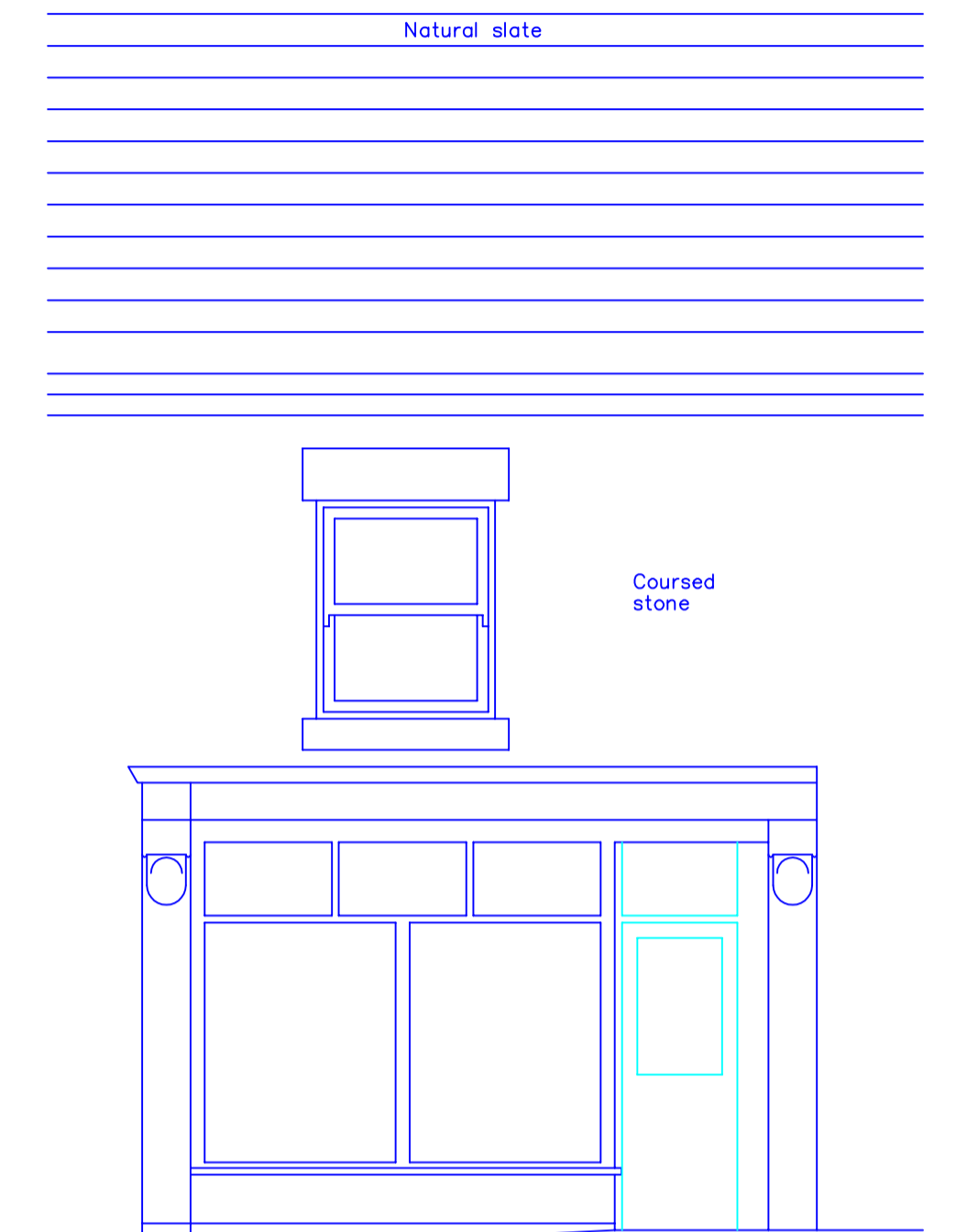
Existing Plan
Ground Floor



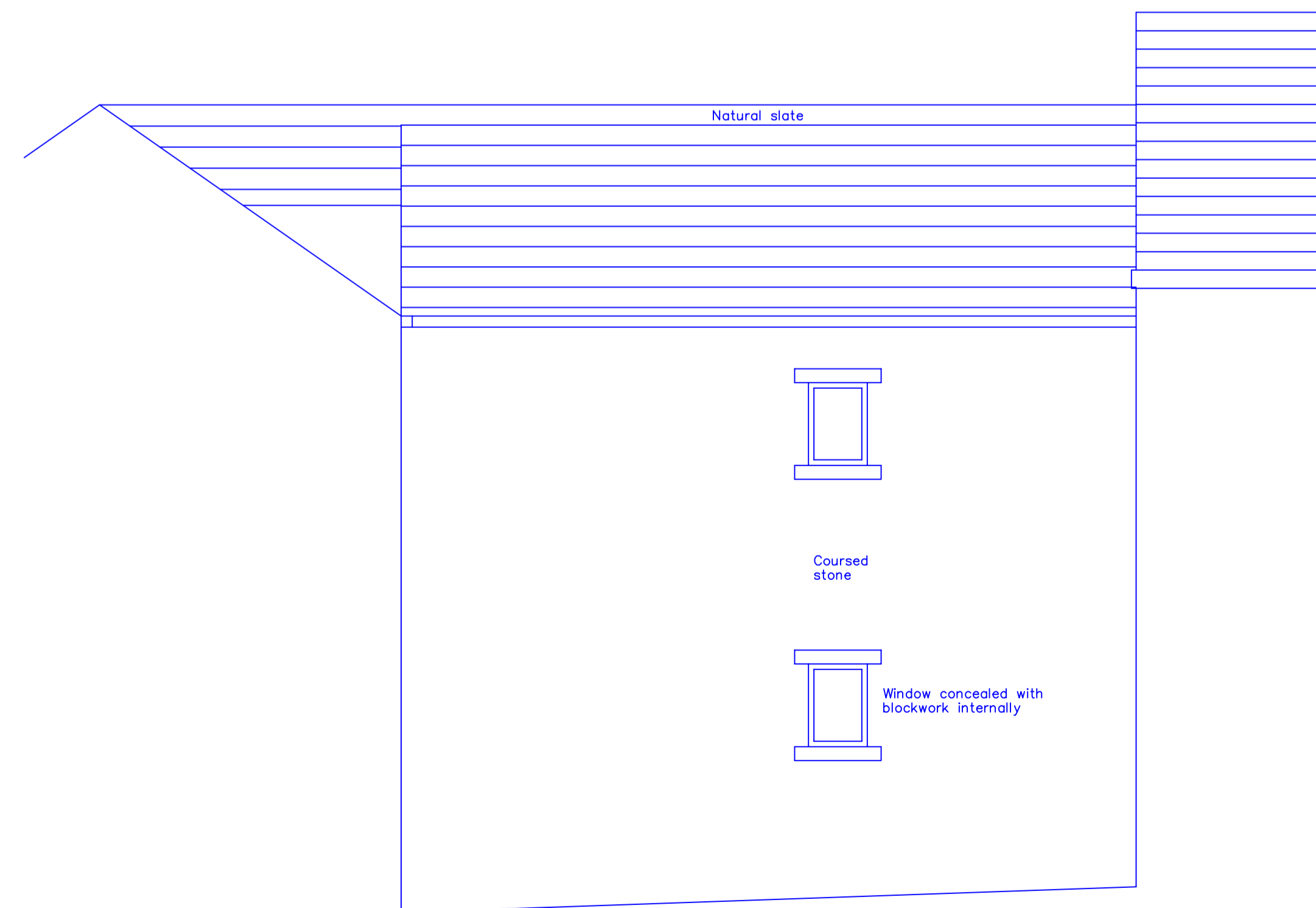
Existing Plan
First Floor



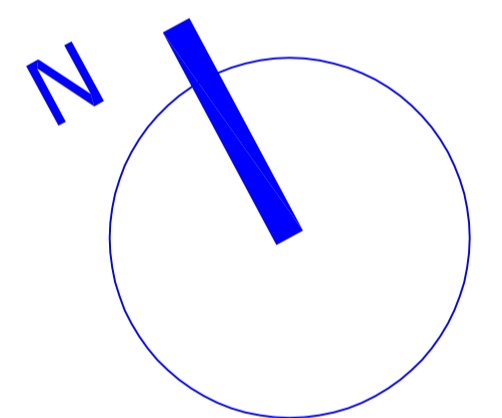
Existing Rear Elevation



Existing Front Elevation



Existing Side Elevation



A Side elevation added 20.08.2020

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62 Bridge Street Ramsbottom BL0 9AG	scale 1:50 @ A1 October 2017
PM7-01A Existing Plans & Elevations	
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