

**Ward:** Ramsbottom and Tottington -  
Ramsbottom

Item 01

**Applicant:** Mala Cuisine Ltd

**Location:** 18-20 Holcombe Village, Ramsbottom, Bury, BL8 4LZ

**Proposal:** Two storey rear extension with timber cladding to accommodate storage area

**Application Ref:** 66177/Full

**Target Date:** 26/01/2021

**Recommendation:** Approve with Conditions

### **Description**

The application relates to an existing 2 storey stone built restaurant in the centre of Holcombe Village and the Holcombe Conservation Area. It is considered a Non-Designated Heritage Asset (NDHA) on the Council's Draft Local List. To the south are 3 storey stone built residential cottages which are either Grade II Listed Buildings or NDHA's. To the rear is Higher House and its grounds, a Grade II Listed Building and opposite is the Shoulder of Mutton Pub, also of a Grade II Listed status.

Running along the rear of the site is Moor Road, a cobbled bridleway.

The restaurant fronts onto the main road which runs through the village whilst at the rear the land rises resulting in the ground floor being sunken at the lower level comparative to Moor Road with only the first floor of the property visible to view.

There is a narrow passageway which runs down the side and rear of the building at the lower ground floor level. At the rear, the narrow passage is infilled by a flat roof single storey timber barrel storeroom for the restaurant which is located at the lower ground floor level and which is screened from views by the retaining wall which encloses the passageway along the side and rear of the site boundary.

It is proposed to remove and replace the roof of the existing rear storeroom and extend on top of this to create a log store. The proposed extension would project past the height of the retaining wall by 1.1m. It would fit within the 1.2m wide passageway and would extend across the rear elevation by 3.7m at the first floor level.

The proposed extension would have a sloping roof which would project off the back wall of the property 300mm below the eaves and would be set in from the gable by 1.4m. It would be constructed of random stone at the upper level and a natural slate roof to match the existing.

The proposed store would provide a watertight area for the storage of logs used in association with the restaurant.

### **Relevant Planning History**

63358 - 1 No. internally illuminated fascia sign and 1 no. internally illuminated projecting sign - 10/05/2019

49489 - Single storey rear extension to rear - Withdrawn by Applicant 10/03/2008

49656 - Single storey extension to rear - Refused 4/4/2008

63358 - 1 No. internally illuminated fascia sign and 1 no. internally illuminated projecting sign - Refused 21/11/2018

### **Publicity**

Letters sent on 3/12/20 to 34 properties at Moor Road, Helmshore Road, Holcombe Village,

Alba Street, Lumb Carr Road, Cross Lane.

Site notices posted 10/12/20 and 15/1/20.

Press advert 14/1/21

5 objections received from Nos 32 Holcombe Village, 103 Holcombe Road, 20 Westwood Road (Leek), 1 Lumb Carr Road, 3 Helmshore Road

- According to the land registry, the land is not owned by the applicant and is common land providing access to my property and what was the remainder of the 18th century buildings on site - no legal right to build on the land. In the past the applicant has claimed land adjacent to the Mala.
- The claim that the extension is for storage - the restaurant has been shut since Covid and is never at capacity so question is - storage for what. The upstairs has not been used for 5 years - this could be used for storage. A single storey extension was turned down in 2008 and rejected at appeal - why is this application allowed?
- Legal points have to be considered and could lead to a judicial review
- Access to my boiler would be restricted and need access for maintenance.
- The extension would restrict access by the fire brigade
- Any extension would be within 25 yards of three 2 grade listed buildings and would need listed building consent. I had to apply to have a satellite dish on my roof
- Would restrict light
- Would alter views which have existed for over 250 years. A bridle path is not a suitable access for commercial vehicles to bring deliveries in the restaurant and the front has double yellow lines.
- Surprised the application has been allowed to get so far.
- Appearance of the rear of the Mala is unsatisfactory - but this is principally due to the incongruous fire doors but the proposal does nothing to deal with this and does not give any public benefit and should make use of the existing building rather than try to extend it with a mismatched shed-like structure
- Connecting the roof directly with the existing roof and so confusing the impression as to whether there is an extension or an original part of the building.
- The proposal would be seen from a well used public route and would be harmful to the setting of Higher house
- The extension would not be subordinate to the existing building but would stand out in form and materials.
- Being in the Green Belt the LPA should consider whether the proposal is acceptable in principle and meet an exception of paras 145 and 146 of the NPPF.
- The proposal is harmful to the setting of the Grade II Listed Higher House and the character and appearance of the Holcombe Conservation Area. Whilst this harm may be judged 'less than substantial' it is still significant and 'great weight' is required to be given to the conservation of the heritage assets affected (NPPF 193). If harm is to be accepted there needs to be "clear and convincing justification" (NPPF 194) and a counterbalancing public benefit (NPPF 197).
- Further regular traffic should not be encouraged - the bridleway is used by ponies from the riding Schools well as residents
- Why are logs to be stored on the first floor when their use is for a ground store stove?
- Custom is insubstantial amend this extra claimed facility seems unreasonable
- Existing kitchen vent is a noise and odour nuisance - these two types of pollution are surely inconsistent with heritage protection, as they taint the area, lingering at this low level of vent.
- Claims that now the appellant seeks to 'tidy up' the back of his property seem inconsistent with piles of litter over many years, and possible dumping of furniture at the back. The noxious vent still continues to run in unsocial hours and is often left on overnight. Should this storage area for logs be permitted residents would have further aggravation by noisy collection of logs, with doors /lighting function well into the quiet night times when they should be safeguarded against unreasonable noise and disruption in their own homes

Revised plans received to show reduced height and size of the extension and materials

proposed as tile hung elevations. Objectors re-notified on 13/1/21.

Further objections received from Nos 22 Westwood Road and 1 Lumb Carr Road with comments as follows -

- The 270mm inset from the gable end is better than nothing but the fine quoin stones will still mainly be covered. This represents a heritage character loss. Setting below the eaves is good. Still overall this extension will disrupt the rugged solidity which is such a defining characteristic of this and its surrounding buildings. The 'tile hanging' is not specified and material matters but again this is not a design approach relevant or appropriate here in Holcombe CA.
- Note there is a door from the main building into this extension - what are the fire and building regulations requirements?
- 2 vertical soil pipes seem to be enclosed within the new building - not confident these are building regs compliant.
- Note a swiftly running stream flowing under the extension which could compromise the buildings above and may need Building Control inspection
- The building would introduce clutter and loss of clean lines
- Note an untidy mess on looking over the back vertical wall.
- Note the extension of the consultation period extended by the advert in the Bury Times.

Objection received from No 32 The Village Holcombe with the following issues raised -

- It appeared to the untrained eye that the path leading to down from old Moor Road to the lower room of my home would be blocked.
- No intention to replace a defunct extraction fan and the development would in effect create a box which would make a trap for fumes and noise.
- It would cause a fire hazard because in the event of fire it would restrict access to the gas boiler and our lower bedroom it would also limit the amount of available light.
- We have now checked our rights and our deeds clearly show that we have a right of free access to our property. Nowhere is it shown that the Mala owns the land which according the land register is "common land" with "shared access". I am fully confident if this was to be taken to Court that we would win our case and I would be asking the Court to award costs.

Revised plans received to show store further reduced in size and elevation material changed to random stone and application area confirmed on the existing layout plan.

Further representations received.

Nos 3 Helmshore Road

- Further to the receipt of the updated/amended planning proposal from the Mala, I write to confirm that I am still in absolute opposition to the plan. The back of the Mala is already an eyesore at the bottom of a famous heritage site - there is rubbish and signs of neglect. The addition of another building would be totally inappropriate for this conservation and green belt area. It would be equally fitting to erect a shoe shop at the top of Holcombe Hill!

32 Holcombe Village -

- I wish to withdraw my objection relating to my property 32 Holcombe village, I have now had chance to look closely and note that the extension is the opposite side of the fire doors
- I still hold the view that final permission should be sort from the listed building planning authority as required in law as the development is within 25 yards of two grade 2 listed buildings and in a conservation area. That the land in question does belong to the Mala but is registered as common land.
- Puzzled why they are applying for a log store when they already have a room suitable for that purpose and in the past has been used for storage but over the last decade as not been used at all. To make this room suitable would cost a fraction of the cost. It makes me question the proposed recent for the application.
- Finally, another planning application was submitted for a shipping contain as an office for the riding school and an amendment made to clad it in wood was offered so it would

fit in with the area. Strange, that the initial application by the Mala was for the building to be clad in wood, surely this can't be down to co-incidence.!!

#### 1 Lumb Carr Road -

- Query the ownership of the application area
- The passageway not only facilitated the whole block but allowed for maintenance works
- A water channel led water from the building and remains as such, coursing in flood conditions.
- Dispute of ownership of the retaining wall - negligent of the Council to permit the application
- The applicant has already erected buildings at the back completely blocking the passage and the extension would put the retaining wall at risk.
- In my view does not preserve or enhance
- Surely needs Listed Building Consent
- The Mala claim they have many customers - only seen a few tables taken.

#### C/O Dawes Bank

- Note the amendments to the plans.
- Recommend a condition to expressly stipulate submission for samples to include submission of a sample panel.
- Concern the extension would be knocked through into the existing building - a condition should be included to avoid this.
- The Conservation Officer stated - 'there would be no indivisibility between the proposal and listed buildings on Holcombe Village' . Does this mean intervisibility? Believe there would be views between the extension and main front of Higher House from Moor Road.
- Believe LBC would be required.

#### Higher House -

- Reduced visibility of roadway from the adjacent parking bay.
- Drainage - The extension would cover a substantial channel drain which catches rainfall and run off water. If the drain is covered is covered the effects of flooding would be worsened.
- Detrimental to the Conservation Area - There are no other timber structures along the road.
- No input from the Conservation officer.
- The extension would be a shed in front of Higher House.
- The use is inappropriate and would invite infestation.
- Is there a need to extend above the retaining wall.

Those who have made representations have been informed of the Planning Control Committee meeting.

#### **Statutory/Non-Statutory Consultations**

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
EN1/1	Visual Amenity
EN1/2	Townscape and Built Design
EN2/1	Character of Conservation Areas
EN2/2	Conservation Area Control
EN2/3	Listed Buildings
EN9/1	Special Landscape Areas
OL1	Green Belt
OL1/2	New Buildings in the Green Belt
OL7/2	West Pennine Moors

## **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.

### **Green Belt Policies and Principle**

Paragraphs 143 and 144 of the NPPF state that inappropriate development in the Green Belt is by definition, harmful and should not be approved except in Very Special Circumstances (VSC). Planning Authorities should ensure that substantial weight is given to any harm in the Green Belt. VSC will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Paragraph 145 of the NPPF considers the construction of new buildings in the Green Belt as inappropriate development. Exceptions to this include bullet point c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.

The proposed development would add an additional 20 cubic m of volume which would be significantly below the third which is generally advised as a starting point in policy guidance when considering extensions to buildings (although each application will be considered on its own merits). In terms of volume and scale, the proposed new build would be a subservient addition, fully contained within the site area and substantially screened from views by the existing retaining wall.

The design would be modest, proposing materials of random stone and natural slate which are considered appropriate to the character, setting and status of Holcombe Village.

As such, it is considered that the proposed development would be proportionate and an appropriate addition to the existing property and would not harm the character or the openness of the Green Belt and would comply with the principles of the NPPF.

### **Heritage Policies and Principle**

Section 66 of the Planning (Listed Building and Conservation areas) Act 1990 requires that in considering whether to grant planning permission for development which affects a listed building or setting, the Local Planning Authority shall have special regard to the desirability of preserving the building and/or its setting, or any features of special architectural or historic interest which it possesses. The decision maker must also give considerable importance and weight to the desirability of preserving the setting of the listed building.

Section 72 of The Planning (Listed Buildings and Conservation Areas) Act 1990 requires local planning authorities to give special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.

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.

Paragraph 197 states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Policy EN2/1 - Character of Conservation Areas and EN2/2 - Conservation Area Control seeks to preserve or enhance the special character or appearance of the area and has regard to factors including the nature of the development in terms of design and detailing and relationship to the architectural and visual qualities of the surrounding area.

Policy EN2/3 - Listed Buildings seeks to actively safeguard the character and settings of Listed buildings by not permitting works, alterations or changes of use which would have a detrimental effect on their historic character and features and includes the need to protect the setting of a Listed Building.

The submitted Heritage Assessment (HA) is satisfactory in that it does proportionately describe the heritage assets and the impact of the proposal on the setting or otherwise of the listed buildings identified as required by paragraphs 193 and 194 of the NPPF. The proposal is of such a small scale it would not affect the setting of Higher House and there would be no intervisibility between the proposal and listed buildings in Holcombe Village.

The scale is such that it would not have a detrimental visual impact on the NDHA nor challenge its significance. The position of the proposal setback from the gable of the original building would ensure the existing original historic quoins would remain visible and dropped below the eaves.

The design and materials of the proposed extension are considered to be acceptable. The proposed extension would be built of natural stone to match the host building. This would be at least neutral in its impact and would preserve the character and appearance of the conservation area of which vernacular buildings in simple form using local natural stone is strong contributor to the character and appearance of conservation area forming its local distinctiveness.

As such it is considered that the proposal would preserve the character and appearance of the conservation area and would not harm the significance of the NDHA or the setting of nearby listed buildings and would comply with the principles of the NPPF and UDP Policies.

**Scale, layout and design** - The proposed development would provide a water tight and secure storage facility for the restaurant business.

The extension would be approximately 1.2m wide located on top of the existing lower ground storeroom and project 3.7m along the rear elevation of the building. It would cover an area of 4.45 sqm, and be completely contained between the existing rear elevation and retaining wall and therefore add a relatively small amount of floor space to the existing building. The proposed extension would be set in from the gable wall by 1.4m to avoid the existing stone quoins and as such the original historic fabric of the building would be retained.

The proposed extension would be 300mm lower than the eaves of the building and project off the existing rear elevation. Due to the difference in levels and when viewed from outside the site and from Moor Road at the rear, a large part of the proposed extension would be screened by the existing stone retaining wall. It would project only 1.1m above the existing stone retaining wall and therefore considered to be a discreet and unobtrusive addition.

The proposed extension would be constructed from random stone and have a natural slate roof which would match the existing building and considered to be appropriate within the

context of the Conservation and Heritage value of the area.

As such, the proposed development is considered to be acceptable and would comply with UDP Policies EN1/2, EN2/1, EN2/2 and the principles of the NPPF.

**Impact on residential amenity** - The closest dwellings would be those attached and adjacent to the south of the site and Higher House to the rear across Moor Road.

The attached property, No 22 Holcombe Village has a timber bridge which links from Moor Road to the first floor to provide access. No 32 Holcombe Village is in a setback position with the front elevation and entrance facing the rear of the application building.

The proposed store extension would project less than half the rear elevation of the application property and would be 10m from No 22 and 13m from the front of No 32. The extension would be formed over the existing barrel store which is sunk below road level and as it would be lower than the eaves of the existing building and given the distance away, it is considered there would not be a significant impact on the outlook or amenity of either neighbour.

Higher House is not directly behind the site but is in an off-set position to the north west 10m away. It is also separated by Moor Road. It is therefore considered that the size and position of the proposed extension would not be harmful to the amenity of the occupiers of Higher House.

It is therefore considered that the proposed development would not significantly harm the residential amenity of the adjacent properties and as such would be acceptable and comply with Policies EC4/1 and EN1/2.

**Highways** - The proposed extension would be contained within the site and behind the existing retaining wall which forms the rear boundary of the site. There would be no encroachment beyond the existing boundary and no impact on Moor Road or users of this road.

As such, the proposed development is considered to be acceptable.

### **Response to objectors**

- The application which was previously refused, planning reference 49656 in 2008 was refused by the LPA on residential amenity grounds due to the outside space which would likely be used by customers for external gatherings and noise and disturbance. The application was not refused on Green Belt or Conservation or Heritage grounds. The applicant appealed the decision which was dismissed by the Planning Inspectorate on the same amenity grounds. In terms of the visual impacts and impacts on the Listed Building and Conservation Area, the Inspector was of the opinion that the proposal would improve the rear of the site and the materials and design not harm the heritage setting. However, this did not overcome the harm to the living conditions of the nearby residents. To note, the application ref 49656 was wider and involved the removal of the existing retaining stone wall.
- The proposed extension would not be sited to obstruct access for the maintenance of the attached property. Maintenance of adjacent properties are private matters and not material planning considerations.
- Need for the extension is not a material planning consideration.
- There would be no changes to the existing servicing arrangements of the restaurant.
- Issues involving scale, size, design and materials have been covered in the above report.
- Building Regulation requirements are not material to this planning application.
- The application for the retention of the shipping container at the Riding School was for a temporary type development and a completely different character of development and a completely different setting, location and use. The application was considered as such and assessed on its own merits.

- The applicant has declared the red edge application site is within their ownership and dispute of ownership is a private matter.
- A condition has been recommended for the submission of materials is sufficient to cover the requirements of the development.
- Typing error in the Conservation officer consultation response - should read 'intervisibility' . The objector has misinterpreted the Conservation Officer response where it is stated that - '*The proposal is of such a small scale it would not affect the setting of Higher House and there would be no intervisibility between the proposal and listed buildings in Holcombe Village*'. It was clearly stated that it was considered that the proposal would not affect the setting of Higher House. It is the listed buildings in Holcombe Village - ie opposite the Mala in the 'village' which would not be in the same sightline as the proposed extension.
- The extension would be within the existing passageway and encroach no further beyond the existing retaining wall. Visibility along Moor Road would not be affected. The area referred to as parking for Higher House does not appear to have planning consent. It should be noted that the objector has recently been granted permission for parking within the curtilage of their property and has existing lawful parking available.
- Drainage - the proposed extension is at the first floor only and would be on top of the existing store.
- Materials are proposed as coursed stone - not timber.
- The extension would be small in scale, size and massing and built of natural stone material like the existing restaurant. Higher House does not have a directly facing relationship to the site and it is approximately 10m away. It is considered the extension would be subservient and an appropriate addition and not impact on views from Higher House.
- The extension would be at first floor and contained within a stone exterior and a watertight construction would not be causal of infestation.
- The Conservation Officer's comments have been posted on the website and were published on 1st February 2021 prior to receiving the objection from Higher House on 5th February 2021.
- The proposed extension would not block access to adjacent properties or along the route of Moor Road.

**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- Location plan pm9-00 Rev A; Existing ground floor plan pm9-01A; Existing elevations pm9-02; Proposed layout plans pm9-03B; Proposed elevations pm9-04C; Existing block plan pm9-05; Proposed block plan pm9-06 and the development shall not be carried out except in accordance with the drawings hereby approved.

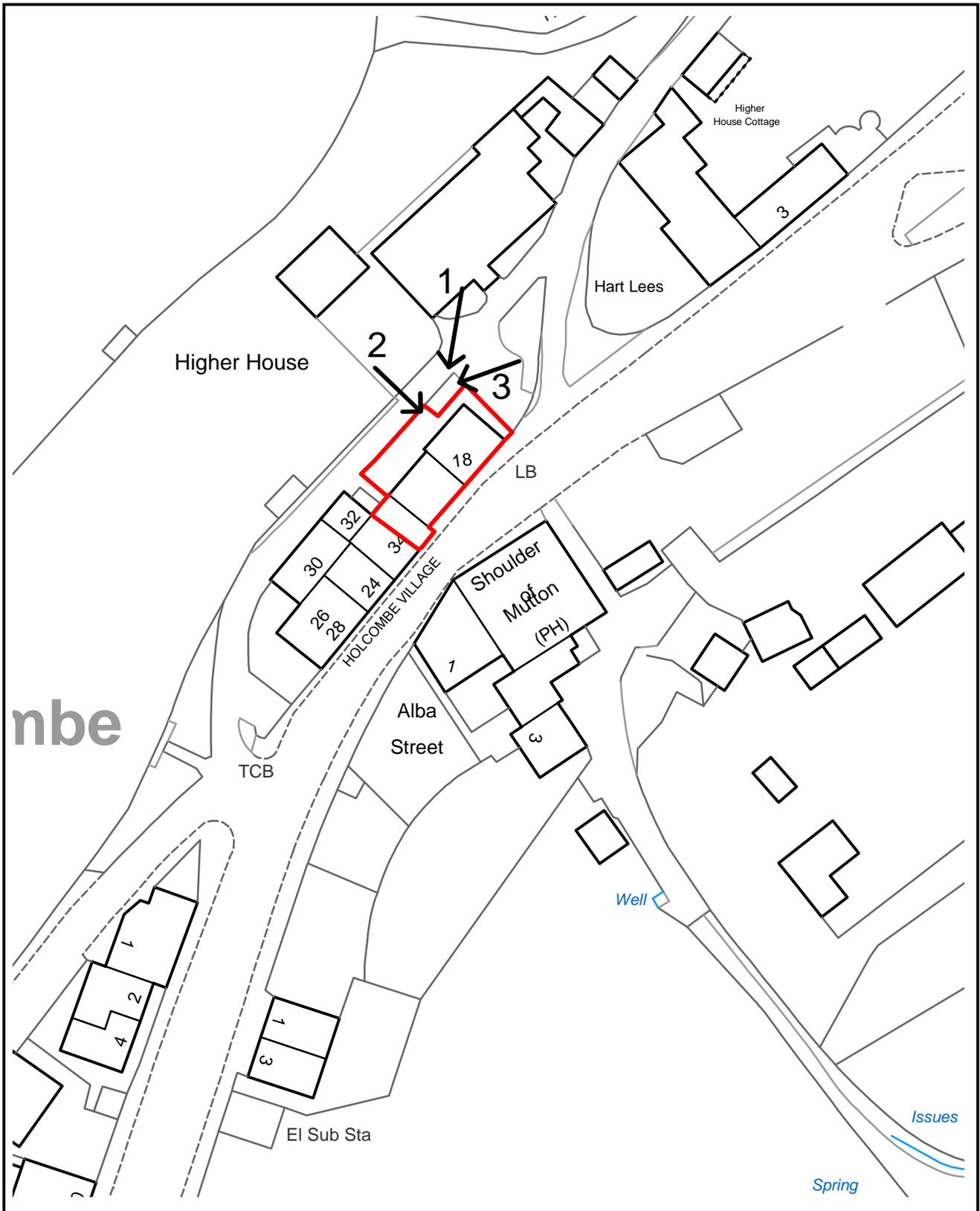
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to the policies of the Bury Unitary Development Plan listed.

3. Details/Samples of the materials, including details of the random coursing of the stone, to be used in the external elevations, together with details of their manufacturer, type/colour and size, shall be submitted to and approved by the Local Planning Authority before the development is commenced. Only the approved materials shall be used for the construction of the development.

Reason. No material samples have been submitted and are required in the interests of visual amenity and to ensure a satisfactory development pursuant to UDP Policies EN1/1 Visual Amenity, EN1/2 - Townscape and Built Design EN2/1 - Character of Conservation Areas, EN2/2 - Conservation Area Control, EN2/3 - Listed Buildings and the principles of the NPPF.

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

# Viewpoints



## PLANNING APPLICATION LOCATION PLAN

**APP. NO 66177**

**ADDRESS: 18-20 Holcombe Village  
Ramsbottom**

**Planning, Environmental and Regulatory Services**

**(C) Crown Copyright and database right (2015). Ordnance Survey 100023063.**



66177

Photo 1



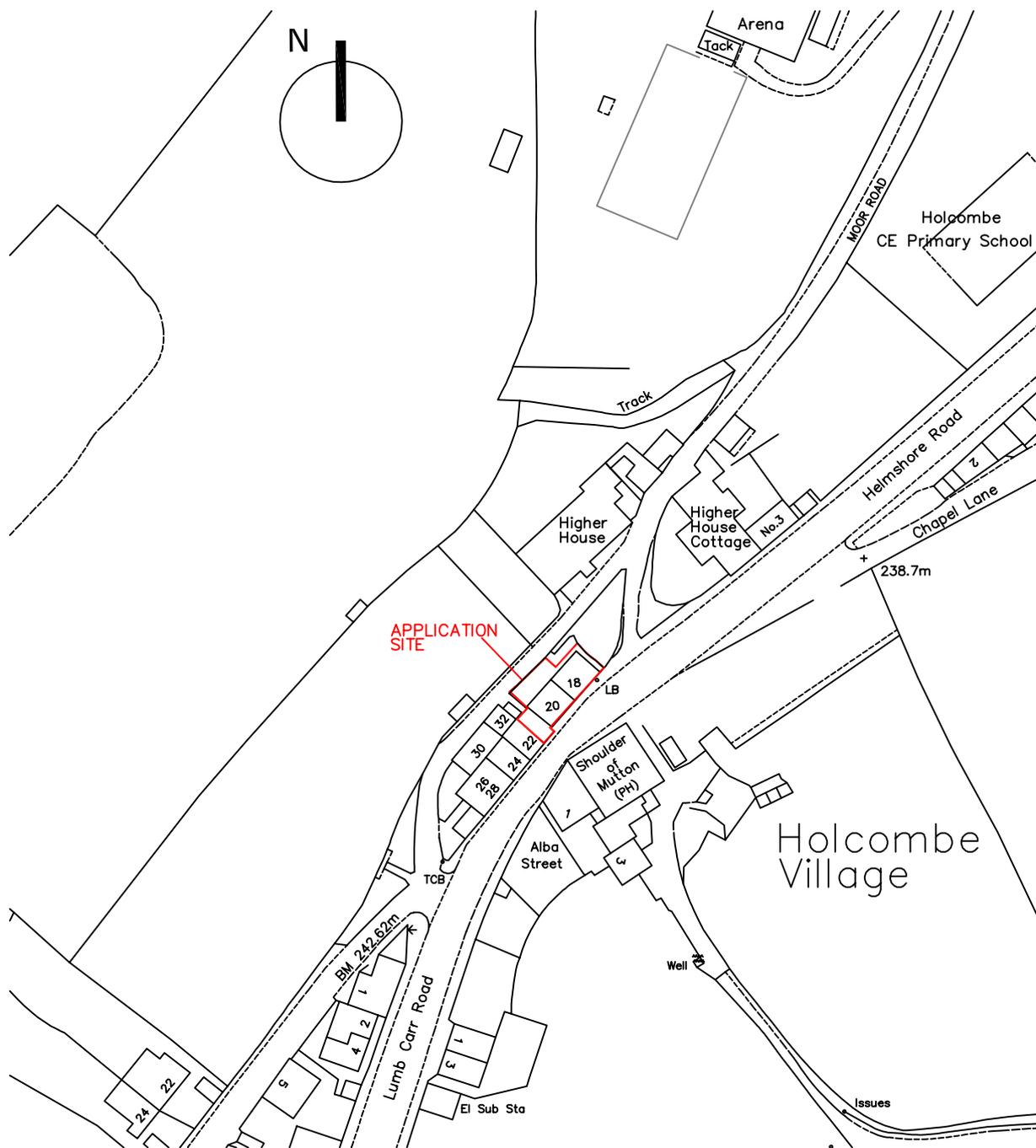
Photo 2



66177

Photo 3



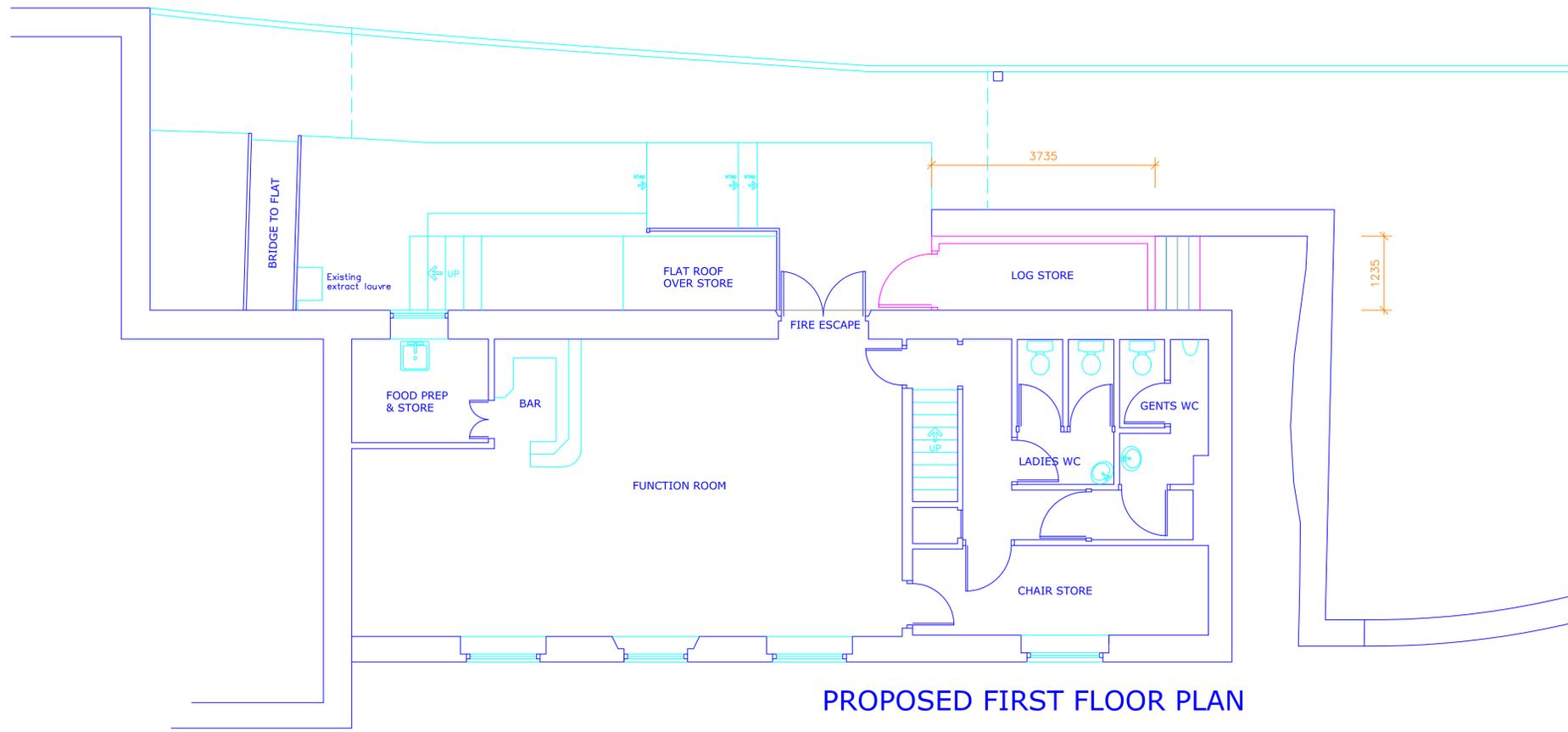


A Red line adjusted as survey 31.01.2021

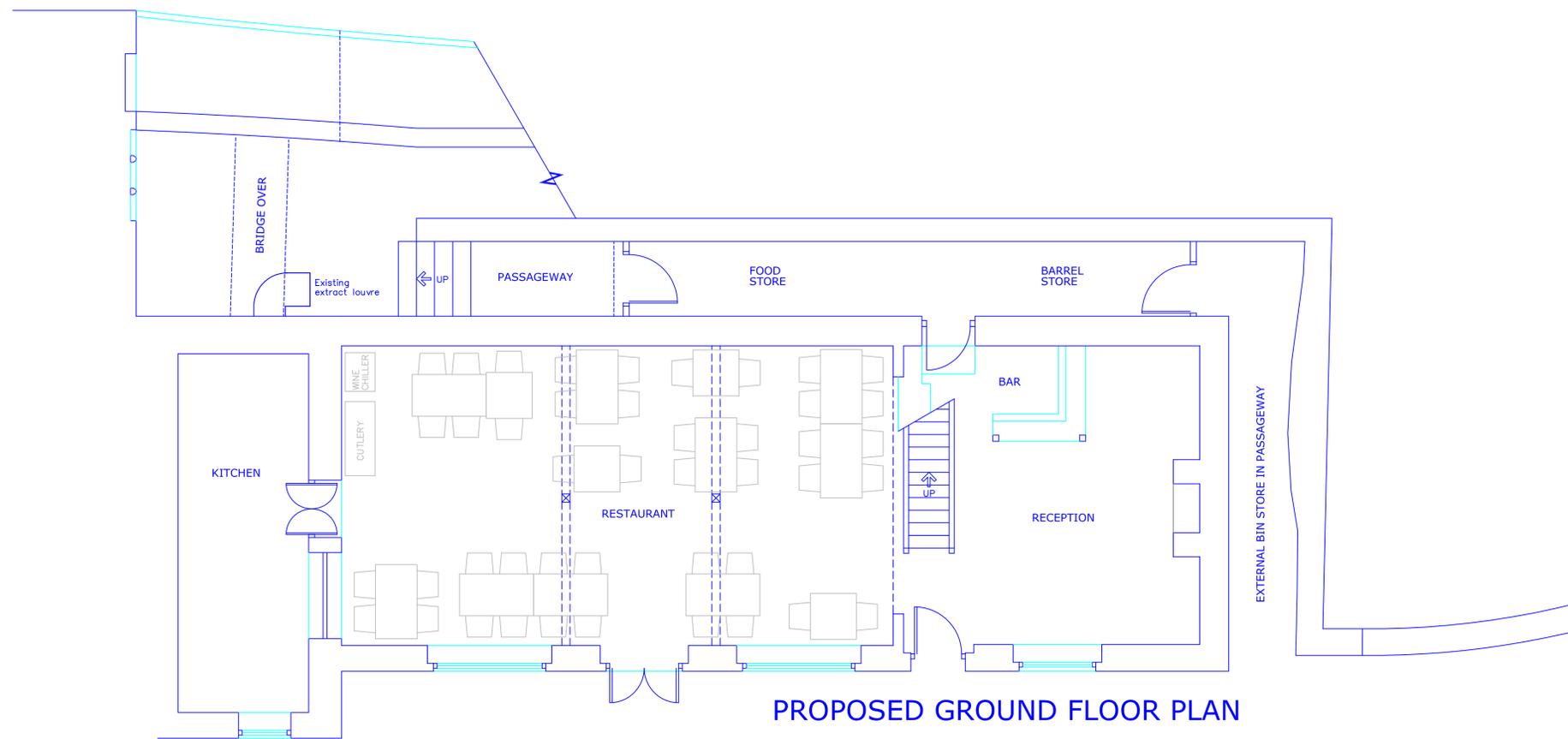
Mala Cuisine  
 18-20 Holcombe Village  
 Bury  
 BL8 4LZ  
 scale 1:1250 at A4  
 September 2020

pm9-00 Rev A Location Plan

PPY design Ltd



PROPOSED FIRST FLOOR PLAN



PROPOSED GROUND FLOOR PLAN

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

Gary Dearden BAC (hons) DipArch RIBA  
 gary@ppy-design.co.uk www.ppy-design.co.uk  
 tel/fax 01706 822791 mobile 07172 669482

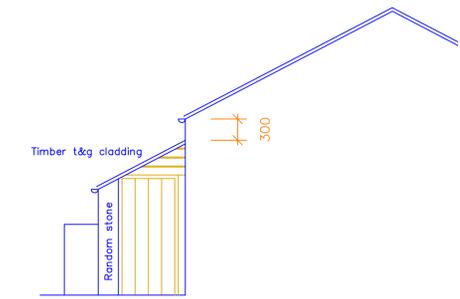
B Reduced in size with stone walls 31.01.2021  
 A Extension reduced in size 08.01.2021

0 1 2 m

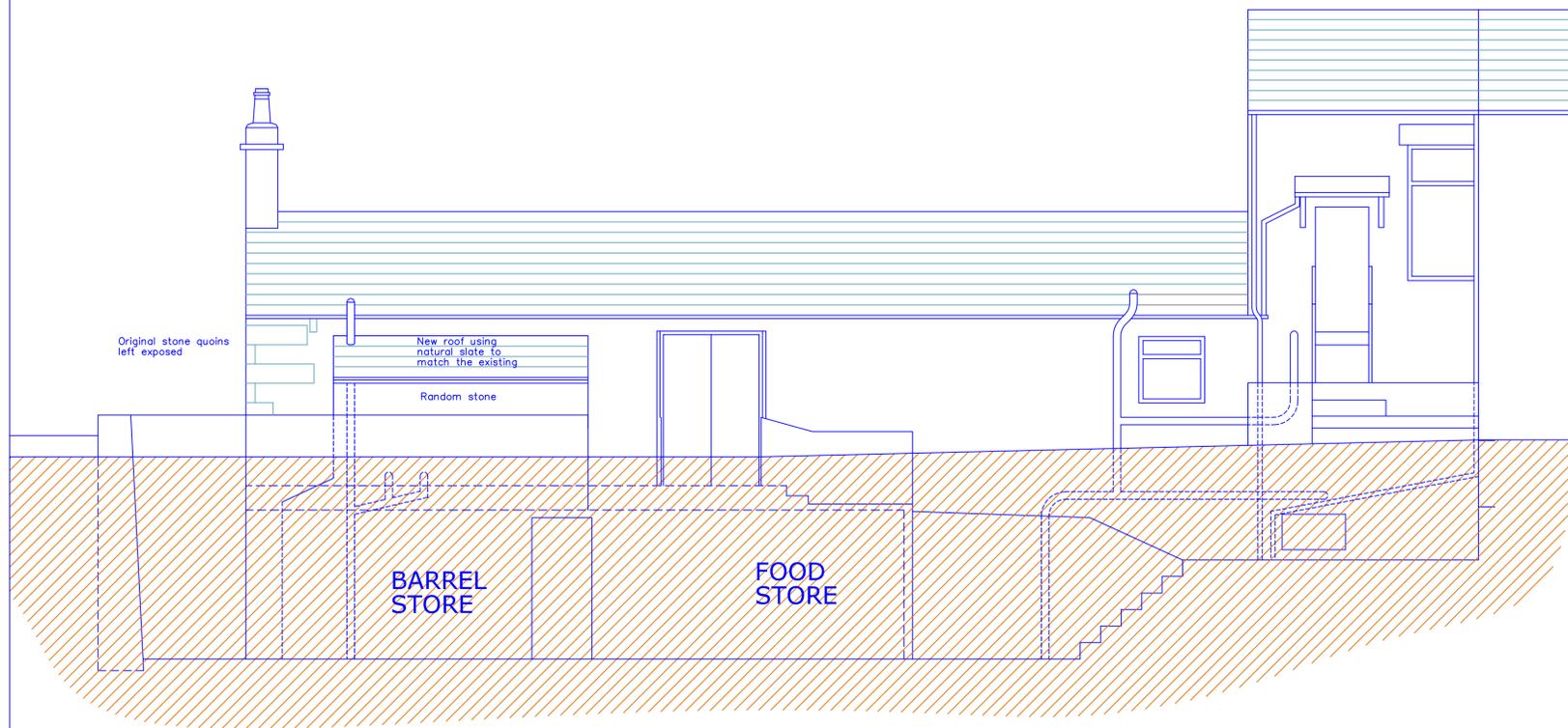
Mala Restaurant 18-20 Holcombe Village Bury BL8 4LZ	scale 1:50 @ A1 September 2020
pm9-03B	Proposed Layout Plans
PPY design Ltd	



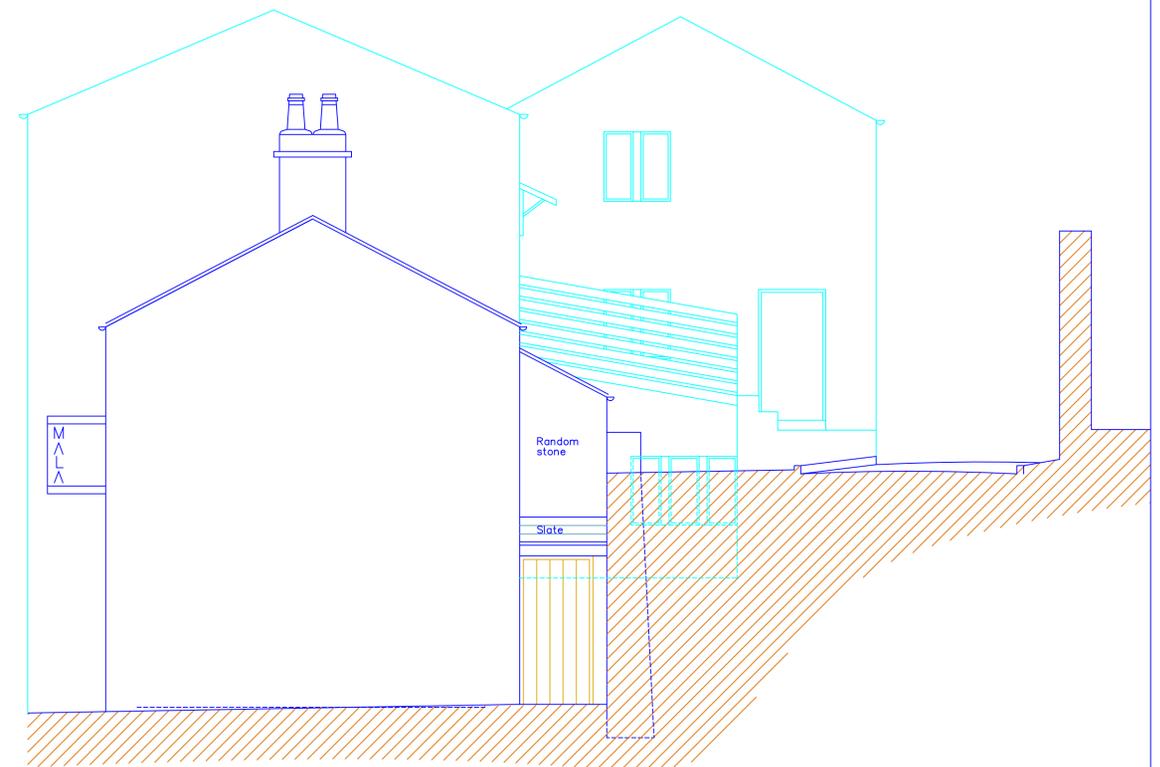
PROPOSED ELEVATION ALONG HELMSHORE ROAD  
No change



PROPOSED SIDE ELEVATION



PROPOSED REAR ELEVATION



PROPOSED SIDE ELEVATION

- C Wall material amended to be stone 31.01.2021
- B Roof reduced to 400mm below eave 12.01.2021
- A Extension reduced in size / tile hanging 08.01.2021

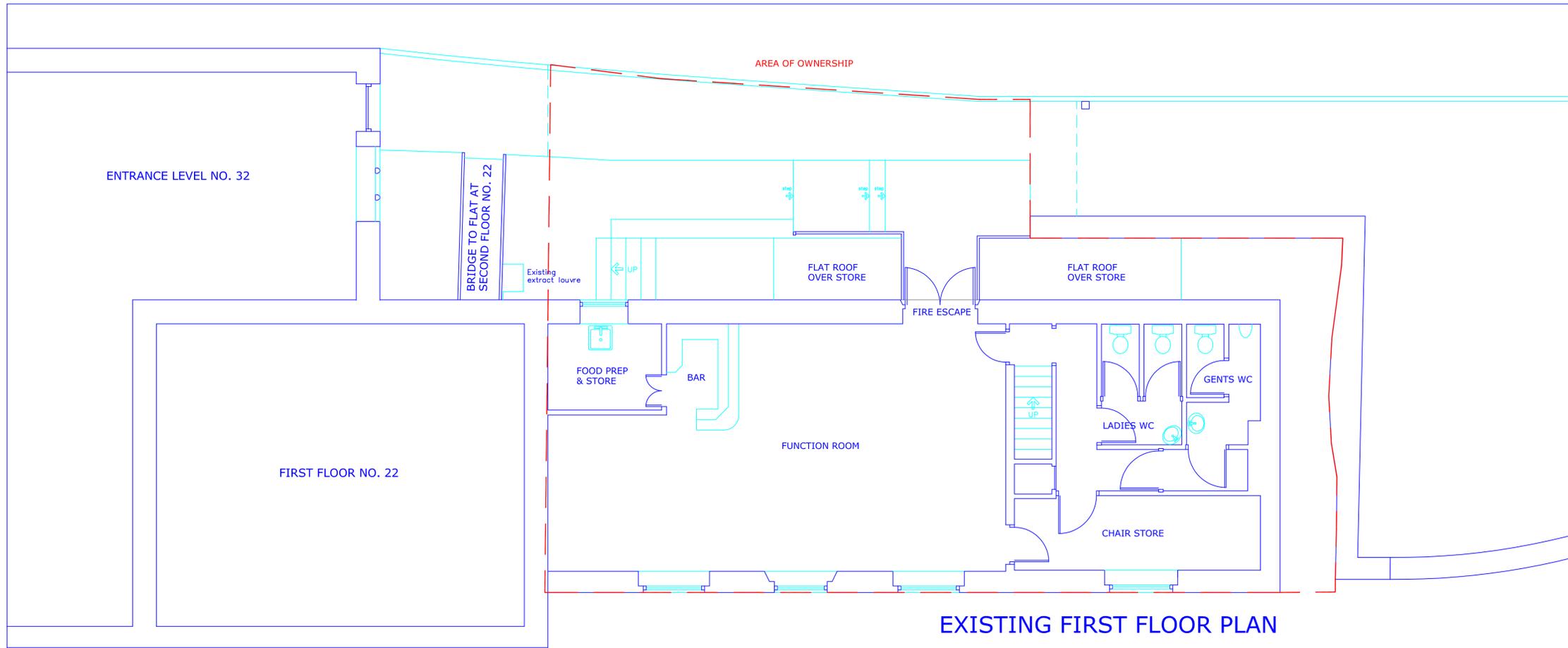
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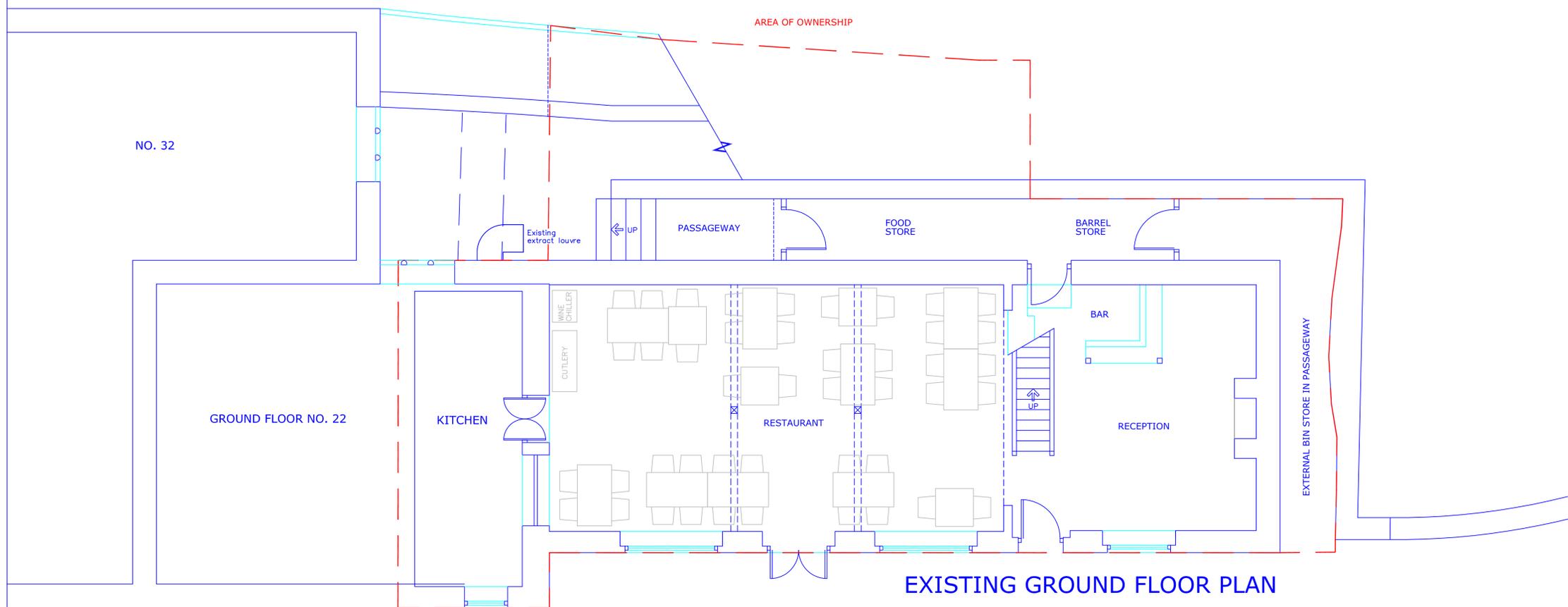
2 Helmsore Road, Holcombe Village  
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Mala Restaurant 18-20 Holcombe Village Bury BL8 4LZ	scale 1:50 @ A1 September 2020
pm9-04C	Proposed Elevations
PPY design Ltd	



EXISTING FIRST FLOOR PLAN



EXISTING GROUND FLOOR PLAN

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A Area of ownership added 31.01.2021

0 1 2 m

Mala Restaurant 18-20 Holcombe Village Bury BL8 4LZ	scale 1:50 @ A1 September 2020
pm9-01A	Existing Layout Plans
PPY design Ltd	