

Ward: Ramsbottom and Tottington -
Ramsbottom

Item 04

Applicant: Mr Arshad Khan

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

Proposal: Installation of refrigeration plant with pitched slate roof covering at rear

Application Ref: 67876/Full

Target Date: 31/01/2022

Recommendation: Approve with Conditions

Description

The application relates to a 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, and 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 property itself is a stone mid-terraced with a single storey rear extension which serves as a store room. There is an external yard area which provides bin store facilities and access to the rear of the property.

Planning permission was granted in October 2020 for the change of use of the ground floor from a cafe to hot food takeaway to include an extract flue and a staircase at the rear to access the storage areas at the first floor.

Bins were to be kept in the rear yard area.

This application seeks the installation of refrigeration plant in the rear yard. These units have already been installed in the yard of the property and have a profiled aluminium roof covering.

The equipment would be 4.2m long, 1.9m in depth and 2.8m high and located on the side wall next to the external staircase.

It is proposed to replace this roof with a pitched natural slate roof to match that of the property and surrounding area.

There is also a compressor/condenser which has been mounted on the end of the plant equipment. It is proposed to remove this and relocate it to the inside the back room of No 62.

In terms of bin storage, the previous operator of the business had a Euro bin which was too large for the yard area and had been kept in the communal area at the back.

This application seeks to utilise smaller wheelie bins which could fit within the rear yard area and therefore be fully contained within the site (as shown on the proposed layout plan).

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

65723 - Change of Use from cafe (Class A3) to hot food takeaway (Class A5), to include

extract flue and staircase at the rear - Approve with Conditions 08/10/2020

66313 - 1 no. non-illuminated fascia sign - Refused 04/02/2021

67877 - 1 No. non-illuminated fascia sign -

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

20/0368 - Breach of condition of planning permission 65723 -

21/0013 - Illuminated neon sign to the rear of the front glazing -

Publicity

Letters sent on 21/12/21 to 19 properties on Square Street, Back Silver Street, Bridge Street, Silver Street.

5 letters of objection received which raise the following issues:

- This refrigeration unit is already built and has been up for over a year now. Retrospective planning permission should not be given under any circumstances. Permission was given for the bins to be stored in the location where the fridges currently are and therefore these fridges should be removed and waste containers kept within the curtilage.
- Environmental nuisance and pest control issues have become serious and persistent issues in the locality, as Bury council were warned about when permission was first sought for the business to open. Should this be allowed to pass then the rest of the residents and businesses in the area will have to put up with this nuisance.
- The last owners carried out this work without authorisation over a year ago. The new owner has submitted this planning application. I strongly oppose this action as the consequence of the work has meant that their bins are left in the outside communal alley of which I enter my residence and have customers walking by to collect takeaway orders from me, which aren't just unsightly but a breeding ground for vermin, as I was told by Pest Control as they visited my property 3 times and Freddie's too.
- My business reputation is at stake as a consequence of their bins being poorly stored in front of my entrance way. Please may this be not only taken into consideration, but effectively managed and forcible removal of said metal cage with wet cardboard.
- It has been noted that the original grant of planning has not been adhered to. ALL waste was to be contained within the curtilage but in fact refrigeration units were illegally built necessitating an industrial waste bin being situated on Back Square Street. Since then my tenants have suffered a rat infestation and more recently a plague of flies. Back Square Street serves a number of residential properties within the heart of The Conservation Area with residents having to put up with the stench of rotting foodstuffs and associated vermin infestation.
- App no. 65723 states regarding bin storage must be within curtilage "To ensure adequate off-highway bin storage facilities are provided within the curtilage of the site.
- This, as previously stated, resulted in an infestation of rats to the detriment of residents who use Back Square Street as their only means of access. The property remains in the same ownership Land Registry Title GM837210 yet prospective tenants are used as applicants for planning purposes.
- I fear the disrespect of your authority will continue and I, together with my tenants and residents, must be assured that if the premises remain a food outlet that the strictest measures be imposed on the occupiers! REFUSE
- The extension to the back would seem only to incur further stress to an obvious problem with waste management. They have on numerous occasions attracted vermin near my cellar and doorstep. The smell of rotten food and waste has left a sour tone to my wellbeing. I have on countless occasions moved their bins which were always an obstacle to my parking place.
- Residents can't open their windows because of the appalling smell of unkempt and open overflowing and unemptied large commercial bin left out for weeks.
- Although it states the equipment was installed some time ago, it does not mention whether it was actually used. If it was used by the previous occupier then I do not have an objection as it has not caused any problem to me. If not used so far, it could cause noise and vibration problems as it is very close to the wall of my home.

Statutory/Non-Statutory Consultations

Conservation Officer - No objection
Environmental Health - Pollution Control - No objection.

Pre-start Conditions - Not relevant

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.

Application - S73A of the Town and Country Planning Act 1990 makes provisions for Planning permission to be considered for development already carried out.

Siting of equipment and impact on the surrounding area - The equipment has already been installed within the yard area and has been positioned in the corner of the side walls which are shared with No 2 and 4 Silver Street. It is noted that there are 2 small windows in the side elevation which are blocked internally and as such there would be no issues from overlooking or privacy.

The equipment would be sited in the corner of the yard between these shared walls and there is a high boundary wall which runs along the rear boundary of the yard which would significantly screen the majority of the equipment from external view, and as such the equipment would not be highly visible from outside the site nor from other properties. It is also proposed to replace the aluminium roof covering with a natural slate roof which would be more appropriate visually to the surroundings as well as the Conservation Area. A condition would be added that the roof be replaced within 3 months of the grant of permission, to which the applicant is agreeable.

The compressor/condensor which is attached to the refrigeration unit is to be relocated inside the back room of No 62.

The Pollution Control Section have been notified of the application and have raised no objections to the type or siting of the refrigeration units.

It is therefore considered that there would not be a significantly detrimental impact on the occupiers of the surrounding areas and would preserve the character of the Conservation Area and as such would comply with Policies EN1/2 - Townscape and Built Design, EN7/2 - Noise Pollution and S2/6 - Food and Drink as well as discharging the duty imposed by virtue of s72 of the TCP (LB & CA) Act 1990.

Bin storage - In terms of bin storage, objectors have raised the issue that the waste Euro bin which was being used for the business is kept in the communal area at the rear of the premises causing issues of smells and attracting vermin.

It is understood that this bin has now been removed from the area and it is now proposed to use smaller wheelie bins which can be accommodated and fully contained within the yard area of the premises. This point is supported by the objections.

Regardless of what has happened in the past, this application shows the bins would be stored within the yard are to be taken out to the communal area for collection purposes only. This would be a condition of the application and any breach could result in potential enforcement action by the LPA. It cannot be assumed that this operator would breach a planning approval on the back of the behaviours of a previous occupier.

It can also not be assumed that the problems of vermin and waste smells are all, or even part related to the business.

Action against issues of environmental nuisances can also be taken under the Environmental Health Protection Act, a separate legislation under which the Pollution Control would have powers to act and prosecute on such matters. It is through Enforcement processes that have led to this application being considered.

Conservation Area - The application site is within Ramsbottom Conservation Area. It is not listed or considered to be a Non-Designated Heritage Asset.

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 194 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 proposal would not be visible in the street scene and would not be visible from wider views within the conservation area. As such the impact of the proposal on the conservation area is considered to be neutral and therefore would preserve the character and appearance of the conservation area.

It is therefore considered that the proposed development would comply with the principles of the NPPF and UDP Policies EN2/1 and EN2/2.

Response to objectors

- There is adequate space in the rear yard to accommodate both the refrigeration units and bins for the business, as shown on proposed plan PM7-02D.
- It cannot be assumed that all matters relating to the environmental nuisances have arisen from the application premises.
- A condition to control the storage of bins would be included in the grant of a permission.

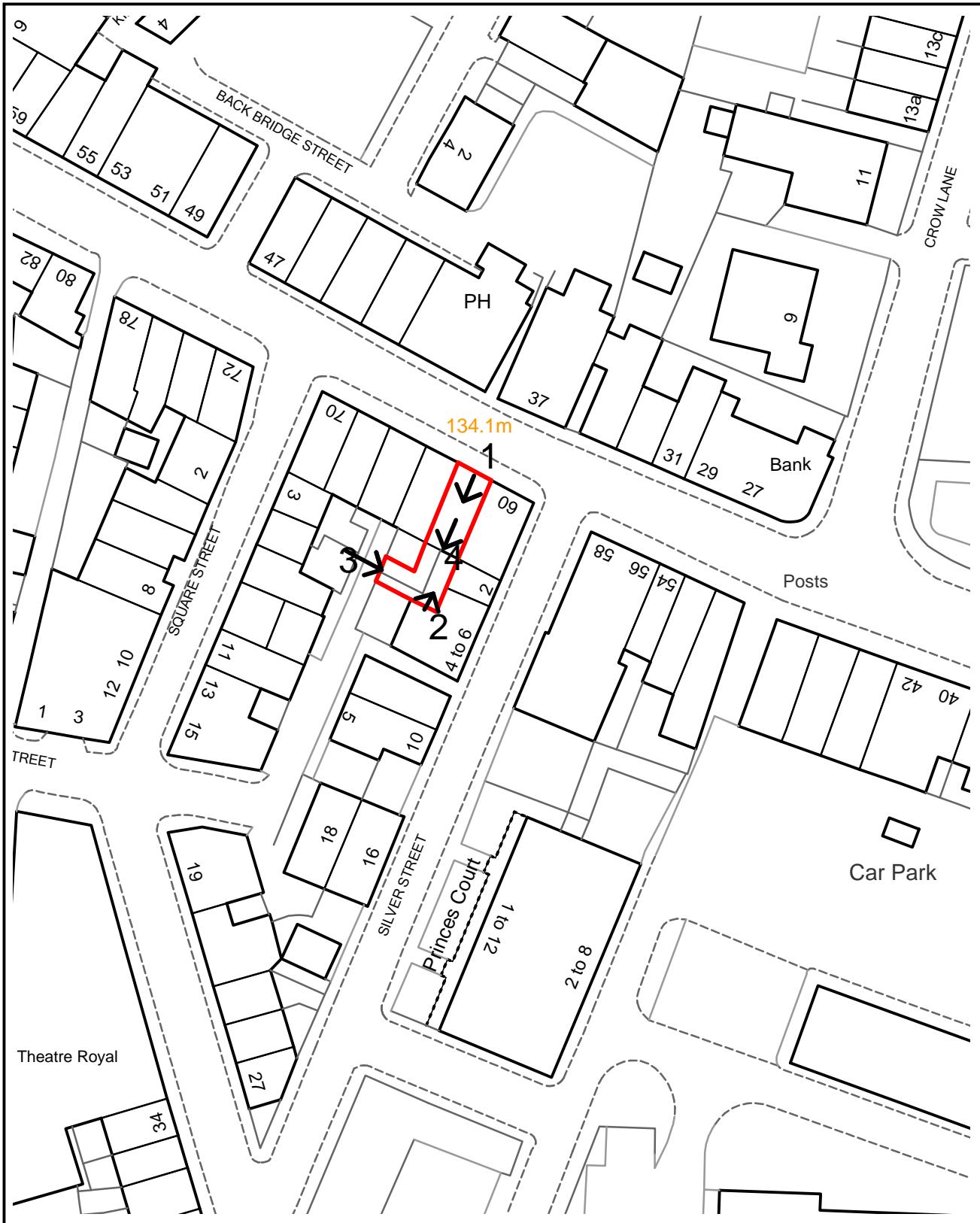
The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

Recommendation: Approve with Conditions

Conditions/ 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 - As-built plans and elevations PM7-02C; Proposed plans and elevations PM7-02D 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 available for use 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 and to safeguard the amenity of adjacent occupiers pursuant to Bury Unitary Development Plan Policies EN1/2 - Townscape and Built Design and S2/6 - Food and Drink.
4. Within 3 months of the grant of this permission, the roof of the refrigeration units hereby approved shall be removed and replaced with a natural slate roof and thereafter maintained as such whilst it serves the premises.
Reason. In the interests of visual amenity pursuant to EN1/2 - Townscape and Built Design, EN2/1 - Character of Conservation Areas and EN2/2 - Conservation Area Control of the Bury Unitary Development Plan and principles of the NPPF.

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



PLANNING APPLICATION LOCATION PLAN

APP. NO 67876

ADDRESS: 62 Bridge Street
Ramsbottom



Bury
COUNCIL

Planning, Environmental and Regulatory Services

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Photo 1

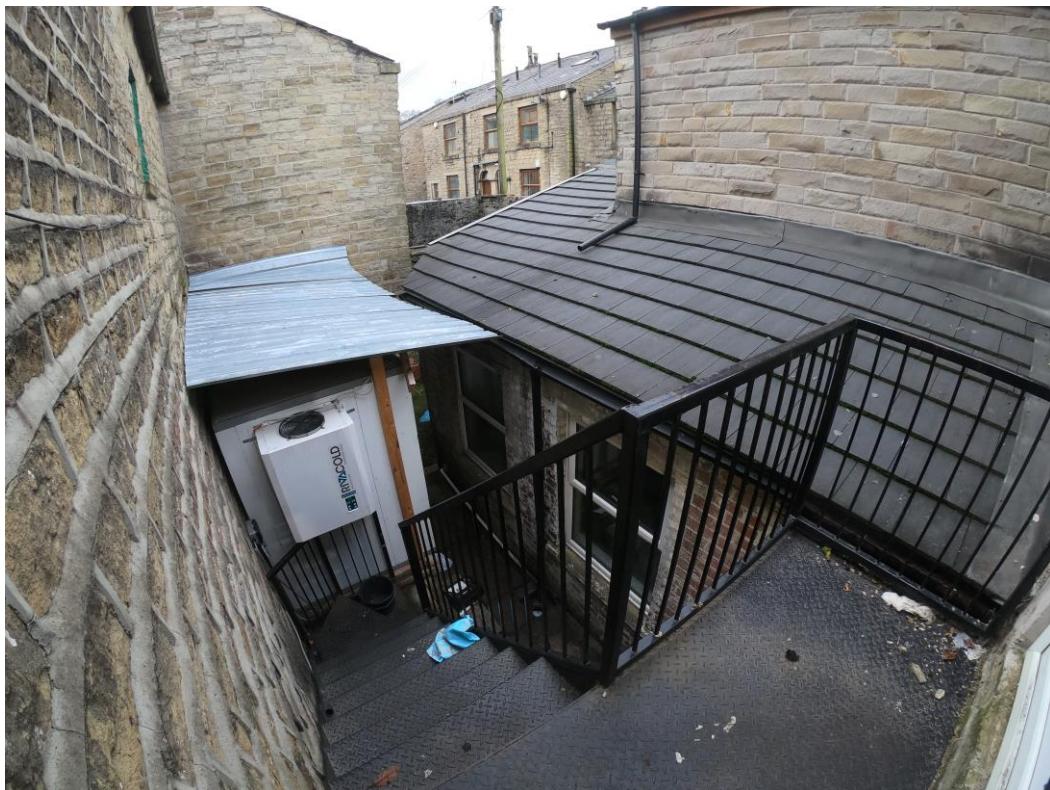


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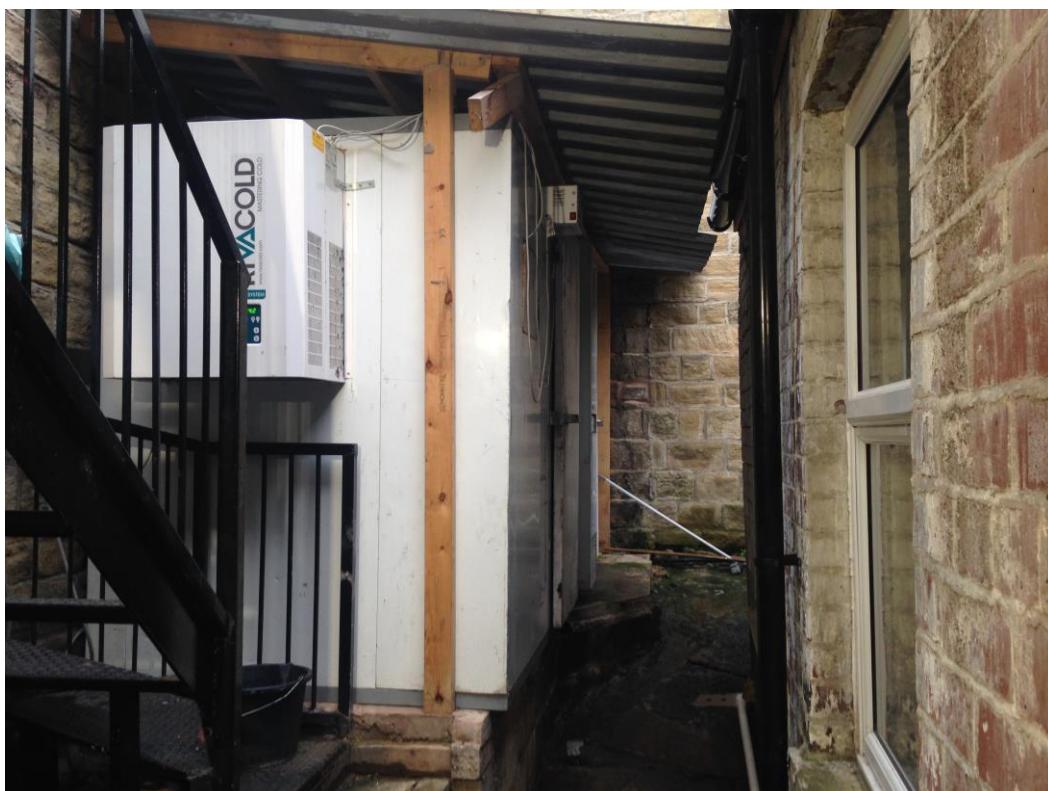


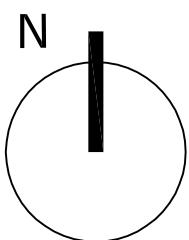
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Photo 3



Photo 4





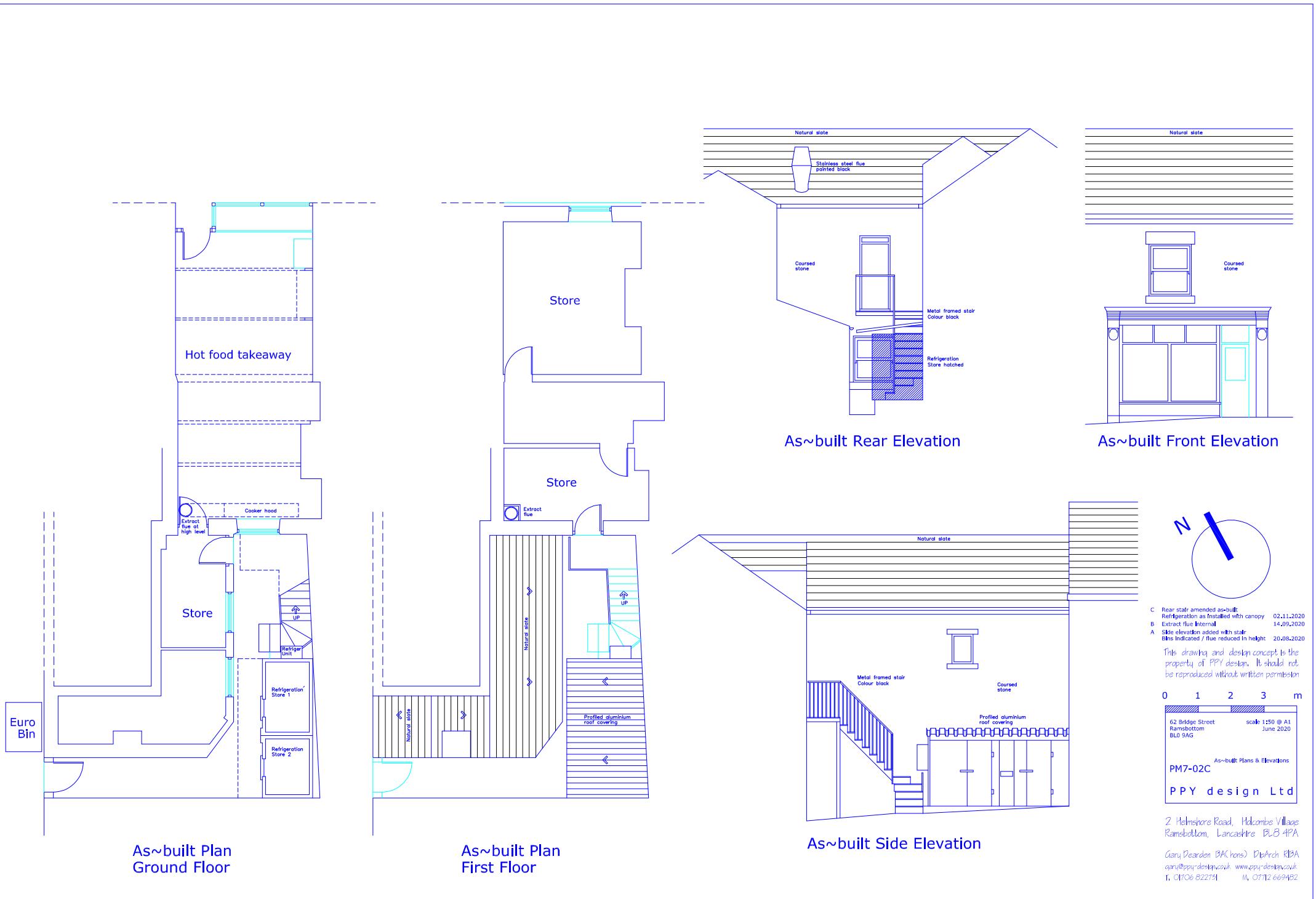
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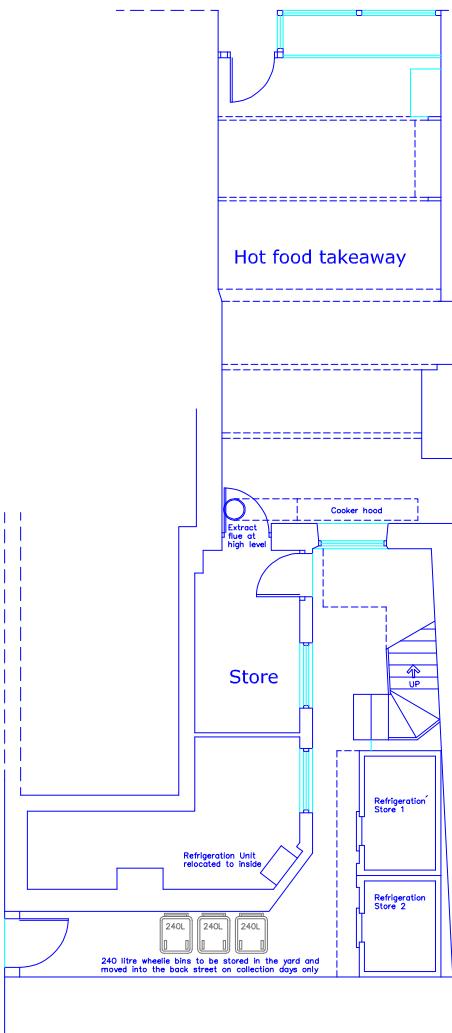
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Ramsbottom
BL0 9AG

scale 1:500 at A4
June 2020

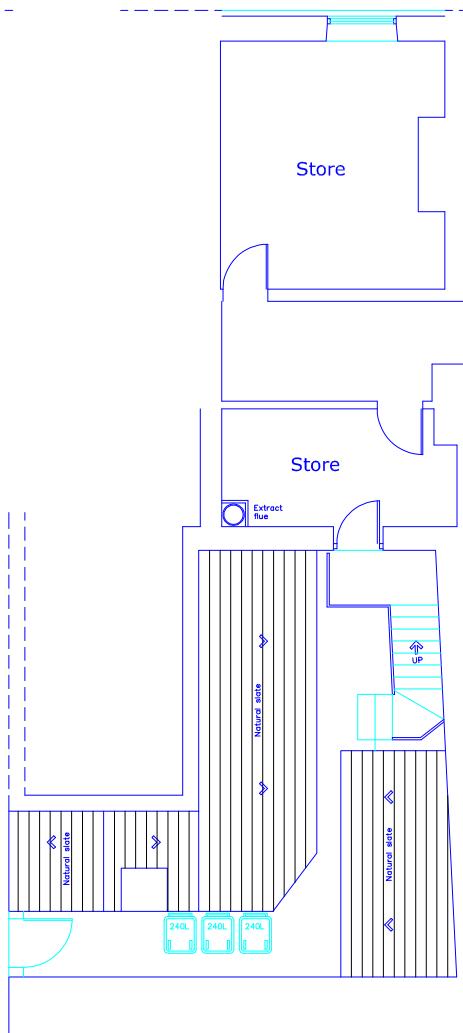
PM7-03

P P Y design Ltd

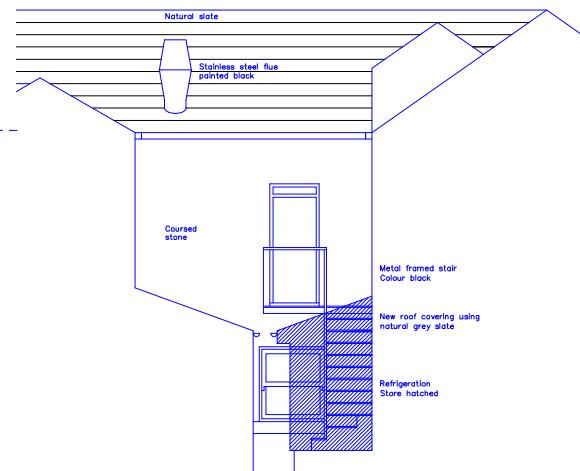




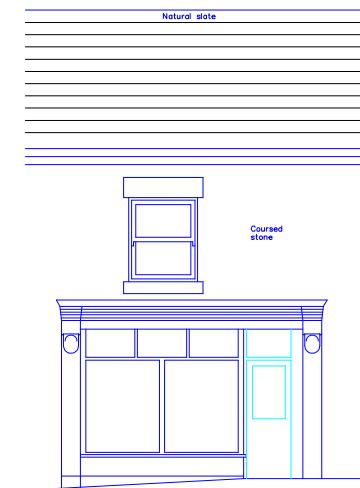
Proposed Plan
Ground Floor



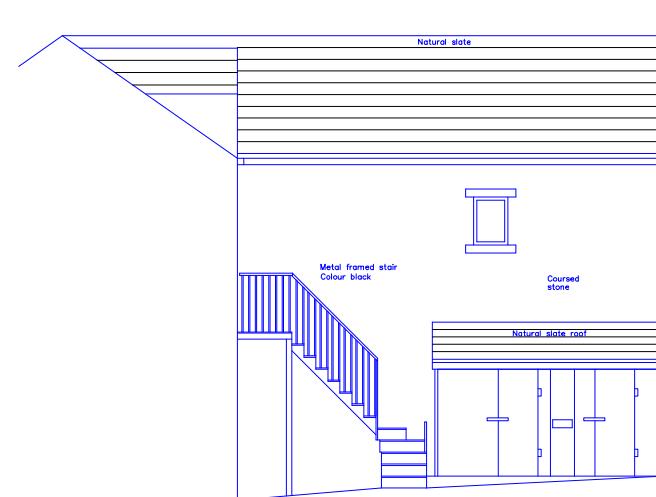
Proposed Plan
First Floor



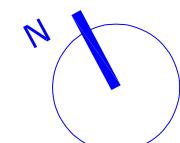
Proposed Rear Elevation



Proposed Front Elevation



Proposed Side Elevation



D. Slate roof added over refrigeration 18.11.2021
 C. rear stair amended as built; Refrigeration as installed with canopy 03.11.2020
 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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