

Ward: Ramsbottom and Tottington -
Ramsbottom

Item 03

Applicant: Mr Mark Ainsworth

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

Proposal: Change of use from chiropractor (Class E) to bar (Sui Generis) (part retrospective)

Application Ref: 69932/Full

Target Date: 18/09/2023

Recommendation: Approve with Conditions

Description

The application relates to a traditional 1 up - 1 down two-storey mid-terraced stone under a slate roof property located on the south-east side of Square Street, Ramsbottom. The property is located within a Primary Shopping Frontage and within Ramsbottom Conservation Area, as allocated within the adopted Local Plan. The rear of the property has a single storey brick built extension and a single storey brick outbuilding.

Planning permission is sought to change the use of the property from a Chiropractors (Use Class E) to a Bar (Sui-Generis Use) and insert a ventilation fan within a first floor window to the rear of the building.

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

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

The opening hours proposed for the bar are:

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

The proposal states the proposal would provide 2 full time jobs and 3 part time jobs.

The proposals are partly retrospective as the applicant has refurbished the property by installing new windows and doors, a bar at ground floor level has been installed and also appears to have upgraded the handrail on the staircase.

The property sits adjacent to 3A Square Street, a first floor residential apartment. To the side and rear of the application site, there are residential properties on Bridge Street and Silver Street. A first floor residential flat exists above 64a Bridge Street with a residential property located 5 Back Silver Street.

Relevant Planning History

69538 - Change of use from chiropractor (Class E) to bar (Sui Generis) - Withdrawn by

Applicant, 20/06/2023

69269 - Lawful development certificate for proposed change of use from Chiropractor (Class E(e)) to a Bar (Class E(b)) - Refused, 17/03/2023 - A drinking establishment is considered to be a use classed as Sui Generis.

Adjacent site - 7 Square Street

34863 - Change of use of front room of house to retail shop - Approved with Conditions, 08/12/1998

50340 - Change of use of ground floor from dwelling house (Class C3) to financial and professional services (Class A2) together with new front display window and new front entrance - Approved with Conditions, 02/10/2008

53976 - Change of use of first floor from residential (Class C3) to financial and professional services (Class A2) - Approved with Conditions, 11/07/2011

Publicity

The proposal has been advertised by Site Notice and neighbouring properties have been consulted by letter.

As a result of the publicity 11 representations have been received; 7 letters of support and 4 letters raising objections. The representations received raise the following matters:

Support

- Requests the Council support a new venture and bring life back into the picturesque town of Ramsbottom, once voted as one of the best places to live in The Times.
- Requests Bury Council get Rammy great again
- Asserts the once vibrant town is now sadly a dark and dismal place, therefore proposals like these should be supported.
- Questions why there would be objections given the street has already experienced outdoor seating (during Covid)
- Expresses sadness at the decline in the town given the bars and restaurants have recently closed.
- Expresses concern that Ramsbottom is falling behind towns like Rawtenstall and losing out in terms of the night time economy.
- Advises it would benefit the local people, the local economy and bring outsiders into Ramsbottom village centre
- Asserts we should support people trying to bring jobs and some life back into the town

Objections

- Raises concern about noise affecting their amenity, advising they could hear the builders through the walls and raises concern that triple the amount of people in the property, by virtue of staff and customers will adversely affect their amenity.
- Raises concern that adjoining residential occupiers won't be able to open windows, hang out their washing out, or even sit in their back yard due to noise and cigarette smells thereby adversely affecting their amenity.
- Advises that proposal would directly affects those that live there all the time, and not those who visit the town from time to time.
- Raises objections to the bar using the street for the consumption of alcohol and outside seating
- States there is no room for more commercial rubbish/bottle bins at the back of Square Street and asserts this will also impact on the access/egress for emergencies, particularly concerning as first floor flats on Square Street, Back Silver Street, Silver Street and Bridge Street are all accessed from the cobbled lane at the rear of the application site
- Raises concern about the proposal attracting and increasing anti social behaviour, litter and noise.

- Asserts the application should have been submitted before the bar was fitted out
- Raises concern that the bar is situated between two residential properties and would thus adversely affect their amenities
- Believes that the safety of residents would be compromised by yet a further bar being opened in a residential area
- States it would be unacceptable to expect council tax payers to put up with the environment which it creates, especially the residents of the street, if this bar is allowed.
- Asserts only selective residents are notified about proposals on Square Street, in case the Residents who live here 24/7 object
- Asks the decision maker to ask itself whether they would like to live next door to a bar.

Statutory/Non-Statutory Consultations

Conservation Officer - No objections but notes the replacement windows and doors should have received planning permission.

Environmental Health - Pollution Control - Initially raised objections but after reviewing the additional information received raise no objections.

Waste Management - No objections, provided sufficient refuse storage can be accommodated within the rear yard area.

Greater Manchester Police - design for security - No comments or observations received

Traffic Section - No objections.

Pre-start Conditions - Not relevant

Unitary Development Plan and Policies

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

Issues and Analysis

The following report includes analysis of the merits of the application against the relevant policies of both the National Planning Policy Framework (NPPF) 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.

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, including relevant policies in the emerging Places for Everyone Joint Development Plan. 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.

The Places for Everyone Joint Development Plan Document (PfE) is a joint plan covering nine of the ten Greater Manchester districts, including Bury, and is intended to provide the overarching framework to strategically manage growth across the boroughs.

PfE was published in August 2021 and subsequently submitted to the Secretary of State in February 2022. Inspectors have been appointed to carry out an independent examination of the Plan with the hearing sessions commencing in November 2022 and were concluding in July 2023. The examination of the plan is on-going.

Whilst PfE cannot be given full weight until it is adopted, its advanced stage of preparation means that it is now considered reasonable that the Plan (as proposed to be modified) should be given weight in the decision-making process in line with paragraph 48 of the National Planning Policy Framework.

Consequently, the principle of this application has been considered against the Plan (as proposed to be modified) and reference to relevant policies and proposals are made in this report.

Principle of Development

The application site is located on Square Street within Ramsbottom town centre, which is allocated within the adopted Local Plan as prime shopping frontage.

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

- a. the design and appearance of the proposed frontage;
- b. the maintenance or provision of a display window at ground floor level, where appropriate;
- c. access for the mobility impaired, where appropriate and through negotiation with the developer;
- d. whether the proposed development will give rise to disturbance or nuisance;

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

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

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

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

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

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

Out of the 13 properties on Square Street, 11 are in use for retail, office and restaurant uses, all of which fall within the Class E use class and are appropriate uses within the town centre. Notwithstanding this, the existing uses are predominantly daytime and quiet uses, with the exception of the restaurants at no. 6 and no. 10.

The proposed bar would by its nature as a sui generis use, be different from the two restaurants on the street. Bars tend to have more comings and goings of customers throughout evenings than any of the existing uses. As such, the proposal may cause noise and disturbance and/or nuisance to occupiers of flats at first floor level on Square Street, Bridge Street and Silver Street, contrary to the requirements of UDP Policy S2/2. This matter will be discussed further in the Residential Amenity section of this proposal.

Issues relating to the amenity of nearby residents, parking and servicing provision, storage and disposal of refuse will be discussed later in the report.

Impact upon conservation area

The application site is located within Ramsbottom Town Centre Conservation Area. UDP Policy EN2/1 - Character of Conservation Areas, follows the requirements of Section 72 of the Town and Country Planning (General Permitted Development) Act 1990 (as amended), in that proposals are required to either preserve or enhance the character and appearance of a the boroughs conservation areas.

Paragraph 199 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Policy JP-P2 (Heritage) of the Places for Everyone Joint Development Plan (as proposed to be modified) states that we will proactively manage and work with partners to positively conserve, sustain and enhance its our historic environment and heritage assets and their settings.

The proposed development as it stands does not involve any further external changes to the building.

This part of the Conservation Area is characterised by small stone terraces, all originally built for residential purposes, as is evidenced by their front elevations; with nos. 1- 9 form the original terrace, with them having ground and first floor windows of matching proportions and detailing and a single doorway with an arched stone surround with keystone and being one up/ one down. Nos. 11 -15 Square Street were added on at a later date and do not have the stone arched doorway detailing but follow the proportions of the properties and the window sizes and door placement of original terrace.

The uniformed appearance of the eastern side of Square Street contributes significantly to the character and appearance of this part of the Conservation Area.

Although this application seeks only a change of use of the property, it is evident on Google Street View that sometime between August 2018 and this application, the timber front door which was primarily solid, with the exception of its fanlight above, has been removed and replaced with a clear glass UPVC door. The loss of the solid front door, detracts from its character and thus this change dilutes the heritage significance of this property and the terrace to which it forms part. The brown UPVC windows have been replaced with black upvc windows and doors.

The LPA notes that the Barbers Shop at no. 9 Square Street has a similar door, although no. 9's refurbishment is considered to be slightly better by virtue of the windows at least reflecting the horns present on the windows of nos. 7 - 15 (odd) Square Street.

In addition, the signage board present on the property, advertising the name of the proposed business, covers the stone head of the ground floor window, one of its historic features, further diluting the appearance of this part of the conservation area. The signage on the building does not form part of this application and would be separate to advertisement consent.

Paragraph 199 of the NPPF requires a level of harm to be determined and any such harm weighed by the public benefits. The proposal is considered to cause less than substantial harm to the character and appearance of the Conservation Area. The refurbishment and re-occupation of the building is considered to be a public benefit, as empty properties ultimately deteriorate and end up detracting from the character and appearance of the Conservation Area.

Residential Amenity

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

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

The application site is located between Nos 3 and 7 Square Street. No. 70 Bridge Street has been combined with Nos 1 and 3 Square Street to form a retail unit at ground floor level and a self-contained flat at first floor level. The flat has a boundary with the application site and is accessed via Back Square Street/ Back Princess Street.

No. 7 Square Street has planning consent for use as an office and as business rates have been paid on the property, this consent has been implemented. Attached to no. 7 Square Street is no. 9 Square Street, a Barbers, which has a first floor flat above, accessed from the rear cobbled street. Opposite the property is a Hairdressers and a Dentists practice.

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

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

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

The proposed development would occupy the ground and first floor and the first floor level of the building which would be adjacent to a residential flat.

Officers have raised concerns over the impact of noise from the proposed use, including noise within the premises, customers arriving and leaving the premises, and bottles being emptied within the rear yard area, on the adjoining residential occupier and surrounding neighbours. The application is accompanied by a Sound Insulation Report.

The applicant has demonstrated soundproofing along the party wall with no.70 Bridge Street/ 3A Square Street. The Council's Environme

Square Street is an inherently quieter street than the main retail/ commercial streets of Bridge Street and Bolton Road West. Noise pollution stemming from music and people talking and shouting, and an increased number of people over and above, those that would

have ever lived in this one up, one down property, being present in the property, would adversely affect the occupier(s) of the adjoining apartment. Due to the bars opening hours - 10am - 11pm Monday to Sunday - it is considered that the proposed use would have a serious impact on the amenity of the adjoining residential occupier of no. 3A Square Street.

When windows and doors are opened to provide ventilation due to the small size of the building for example, and by customers entering and leaving the property, and by the emptying of bins, including bottle bins within the refuse storage area proposed within the rear yard area. The emptying of bins could happen at any time of the day or night and would generate noise, which would impact significantly upon the amenity of the neighbouring properties.

A sound insulation report accompanies this application asserting sound testing has been undertaken in the rear office of no. 70 Bridge Street/ 1 and the ground floor of no. 3 Square Street and within no. 7 Square Street. The Council's Environmental Health Officers have reviewed this report and are satisfied that the sound proofing to the party walls that has occurred will prevent noise transferring through to the adjoining flat.

Concerns have been raised by that the opening of the doors and windows whilst the business is open to provide ventilation to the property would cause issues of noise nuisance to surrounding residents. To address this concern, the applicant proposes to insert a ventilation unit within the rear first floor window on the rear elevation located at the top of the stairs. To avoid the first floor windows being opened whilst the proposed drinking establishment is open, a condition is recommended requiring the first floor window to be fixed and non-opening.

Although toilet provision is not a planning consideration, the Council's Environmental Protection team have advised that the proposal needs to provide at least 2 toilets, 1 for male customers and 1 for female customers, or provide fully separated cubicles with wash hand facilities for each. The applicant has provided additional information and indicates that as well as the toilet shown within the existing ground floor extension at the rear of the building, a second toilet would be provided within the rear outbuilding. Given the only access to the rear yard area and the outbuilding is via the existing rear door which is located behind the bar area, the rear door would be opened to allow ventilation and access to the rear yard area and the outbuilding, would create an additional noise issue, which may cause residential amenity issues.

Officers within Environmental Health have also raised some concerns over noise from customers entering and leaving the building would cause disturbance to the residential occupiers of 3A Square Street and other nearby residents as customers would head from Square Street to either Bridge Street or Bolton Road West.

Given the size of the building, it is not clear how many customers would fit into the property and therefore how much noise customers and the proposed use would make, as stated by the applicants noise consultant. To see if the proposal would lead to conditions detrimental to the amenity of adjoining and surrounding residential occupiers, Officers recommend that a temporary permission would be appropriate in this location to allow the Council and neighbours to see how, and whether the proposals would indeed have an adverse impact on the amenity of adjoining and nearby residents. It is therefore recommended that a temporary permission of 18 months from the date this application is determined be granted.

Highway Safety and Waste Management

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

The Council's Waste Management team have previously advised on the last application that they have no objections to the proposal provided 2 x 1100 litre bins, or the equivalent in standard bins be provided within the rear yard area. The applicant has provided an

amended plan showing that the rear yard area of the application site can accommodate the required storage provision and have demonstrated that the rear gate opening and historic yard wall will not need to be altered in any way. On this basis, subject to a condition being imposed require refuse storage bins to be accommodated within the rear yard area, except for collection days, the proposal is considered to be acceptable in this regard.

Conclusion

The part retrospective proposal has renovated a vacant property on a Prime Shopping Frontage and allowance of the proposal would provide a commercial use within the Town Centre that would contribute to improving the economic and social conditions of Ramsbottom. The re-use of a currently vacant building would thereby outweigh the less than substantial level of harm that has occurred to the character and appearance of this part of Ramsbottom conservation area through the external alterations that have taken place and as proposed.

The Council does however have some concerns that the proposal would have an adverse impact on the amenity of adjoining and nearby residents by virtue of noise and disturbance, however the application contests that these concerns would not cause such demonstrable harm to the amenity of local residents. In this case, and given the building is on a street allocated within the UDP as Primary Shopping Frontage, it is strongly recommended that approval should only be granted for a temporary period, to allow the Council and neighbours to monitor the impacts the proposals would have on the amenity of adjoining and nearby neighbours. Subject to granting a temporary permission and imposing a condition recommending fixed glazing to the first floor windows of the building, a condition restricting the hours of use to those which have been applied for, and a condition relating to the storage of refuse, it is recommended that the application be approved.

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 permission hereby granted is for a limited period only, namely for a period expiring on the 30 May 2025, and the use comprising the development for which permission is hereby granted is required to be respectively discontinued at the end of the said period and the building reinstated to its former condition to the written satisfaction of the Local Planning Authority within 2 months of the date of this decision.

Reason. The development is of a temporary nature only to allow the Council to assess the impact of the development on adjoining and surrounding residential occupiers, in accordance with policies EN7/2 - 'Noise Pollution' and S2/6 - 'Food and Drink' of the Bury Unitary Development Plan, the National Planning Policy Framework and National Planning Practice Guidance.

2. This permission relates to the following plans:

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

Drawing no. 2023/04-01 Rev. C: Proposed Plans and Elevations,

Except as provided for by other conditions to this permission, the development shall be carried out in complete accordance with the approved drawings.

Reason: For the avoidance of doubt and to ensure a satisfactory standard of development in accordance with the policies contained within the Bury Unitary Development Plan and the National Planning Policy Framework.

3. Before the first occupation of the use hereby permitted the first floor windows on the front and rear of the building shall be non-opening and retained as such in perpetuity.

Reason. To protect the privacy of adjoining occupiers and nearby occupiers and to accord with Policies S2/6 - 'Food and Drink' and EN7/2 - 'Noise Pollution' of the Bury Unitary Development Plan.

4. The use hereby permitted shall only be open for trade or business between 10:00 hours and 23:00 hours Monday to Saturday and between 11:00 hours and 22:00 hours on Sundays, Bank Holidays and/ or Public Holidays.

Reason: To limit the potential for noise generation during unsocial hours and to prevent nuisance arising in order to safeguard the amenity of the occupiers of adjoining and surrounding residential properties in accordance with the requirements of Policies S2/2 – Prime Shopping Frontages, EN7/2 - Noise Pollution and S2/6 – Food and Drink, of the Bury Unitary Development Plan and the National Planning Policy Framework.

For further information on the application please contact **Claire Booth** on **0161 253 5396**

Viewpoints



PLANNING APPLICATION LOCATION PLAN

APP. NO 69932

ADDRESS: 5 Square Street Ramsbottom



Planning, Environmental and Regulatory Services

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Photo 1



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Photo 2



Photo 3



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Photo 4



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Photo 5



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Photo 6

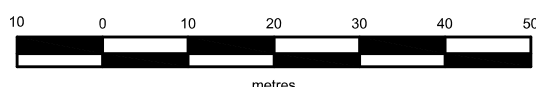
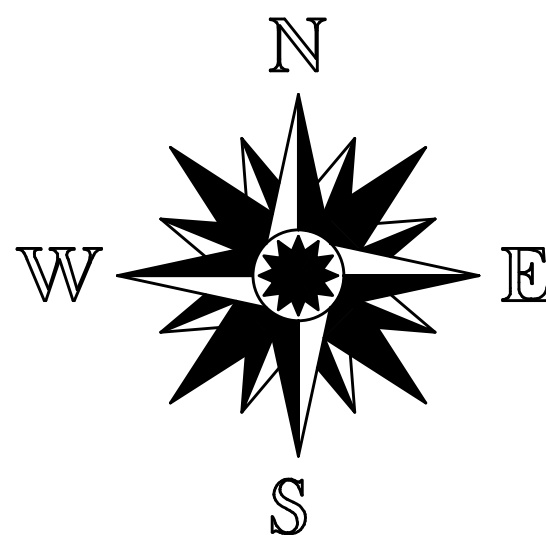


Project: 5 Square Street, Ramsbottom, Bury BL0 9BE

Project No.: 2023-04

Title: OS Site Plan

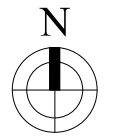
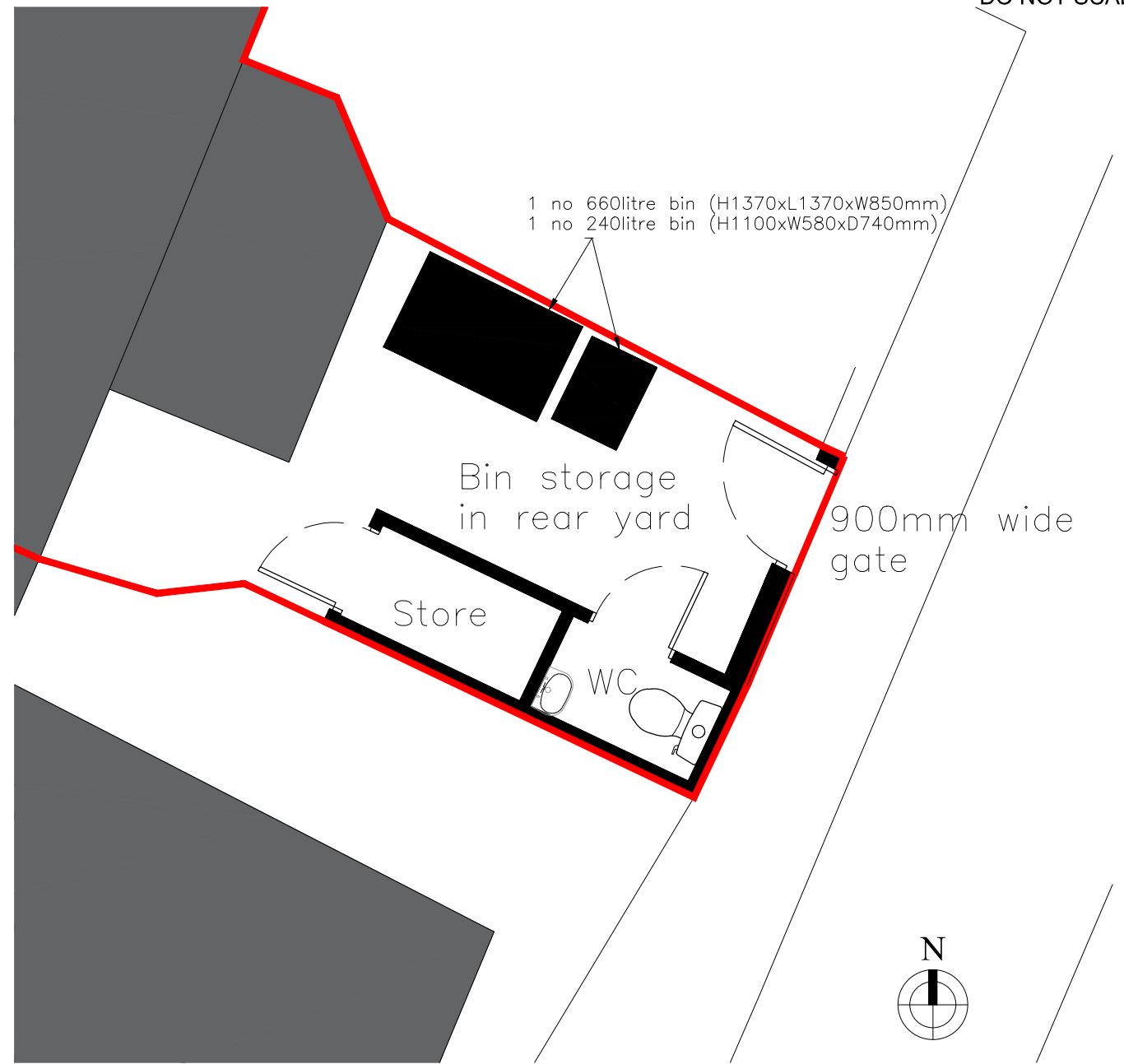
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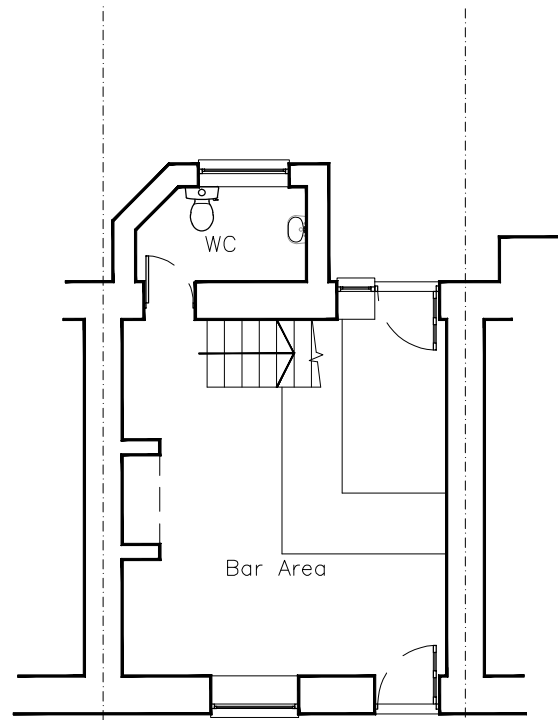


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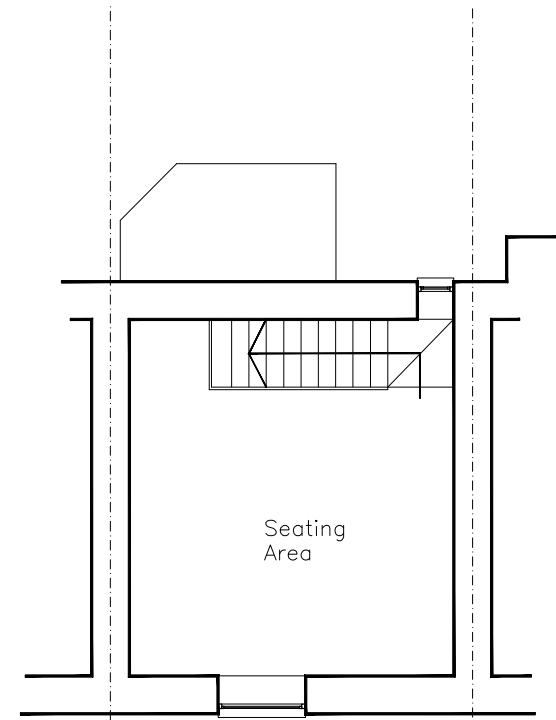
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Mark Ainsworth			
Project			
Change of use of Chiropractor Class E(e) to Bar use (Sui Generis) 5 Square Street, Ramsbottom BLO 9BE			
Job No.	Area	File Ref	
2023/04			
Title			
Block Plans			
Date			rev.
2023/04-02			C
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20 Fernhill Drive Stacksteads, Bacup Lancashire OL13 8JS tel 01706 870944 mob: 07528809176 e:info@eds20.co.uk			

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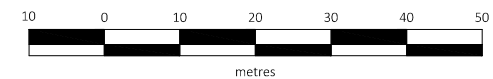
Square Street

Existing and Proposed Ground Floor Plan (1:50)

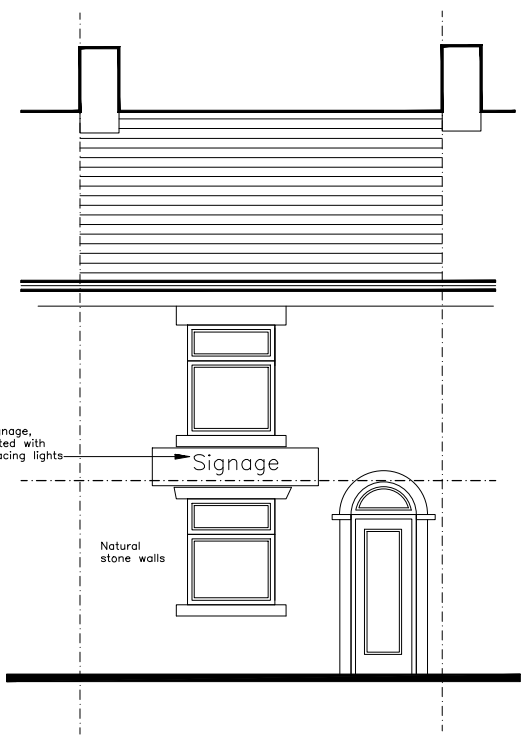
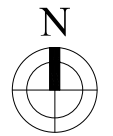


Square Street

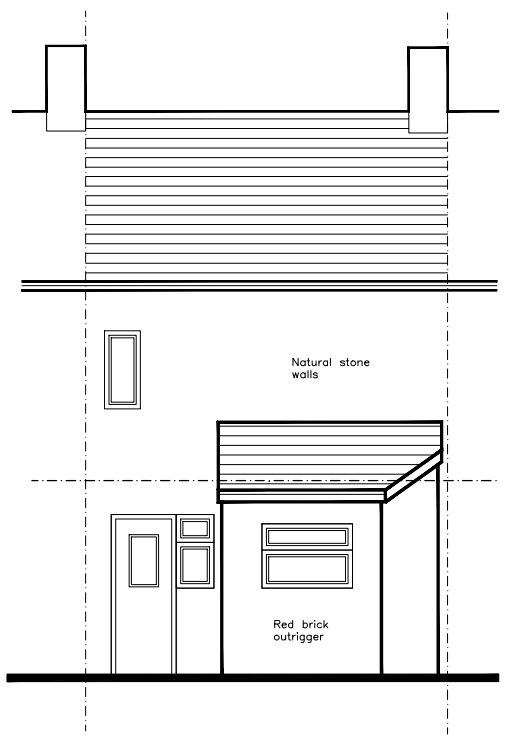
Existing and Proposed First Floor Plan (1:50)



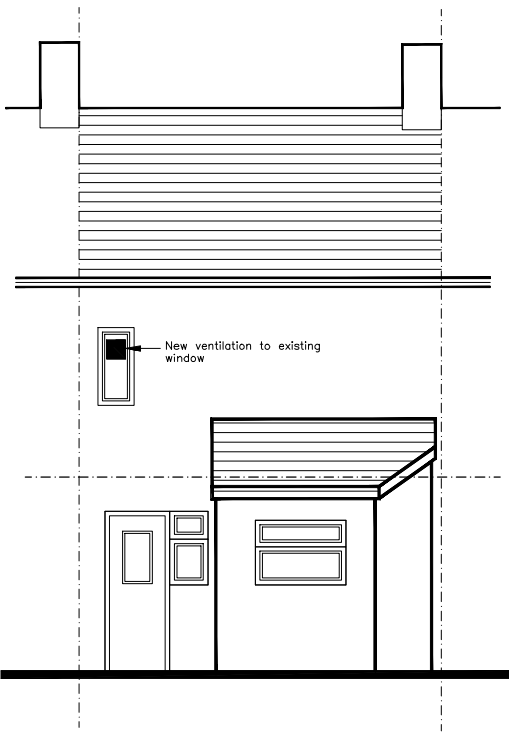
Site Plan (1:500)



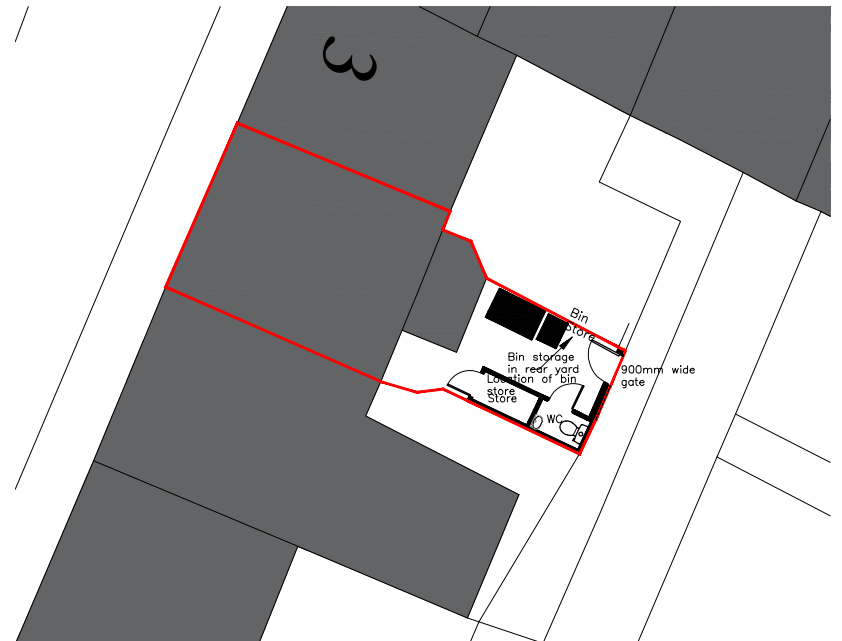
Existing and Proposed Front Elevation (1:50)



Existing Rear Elevation (1:50)



Proposed Rear Elevation (1:50)



Site Plan (1:100)

Client							
Mark Ainsworth							
Project							
Change of use of Chiropractor Class E(e) to Bar use (Sui Generis) 5 Square Street, Ramsbottom BL0 9BE							
Job No.	Area	File Ref					
2023/04							
Title							
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