

DELEGATED REPORT

Report by Helen Pressley	Date of report: 14/07/2025	Ref: 71776/FUL
Registration: 14/04/2025	LDfC: 22/05/2025	Expiry Date: 09/06/2025
Site Visit: 04/06/2025	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: COUS

Proposal: Change of use from a place of worship (Class F1(f)) to an office (Class E(g))

Location: New Jerusalem Church, Stand Lane, Radcliffe, Manchester, M26 1JQ

Description

The application relates to a detached, two storey red brick church building located on Stand Lane. The building is located within a church yard. The site can be accessed on foot from Stand Lane, and by vehicle from Sefton Street.

Planning permission is sought for the change of use from a place of worship (Class F1(f)) to an office (Class E(g)). The proposal seeks to make no external changes to the building but would involve the creation of a carpark to the rear of the site. Fencing has also been constructed within the grounds of the site, adjacent to the graveyard.

The application seeks opening hours from 8am to 6pm Monday to Friday.

Relevant Planning History

53998 - Erection of two storage units to replace previously demolished units -Refused
13/07/2011

11/0336 - Siting of 2 metal containers - 29/09/2011

Publicity

Neighbour letters sent 29th April 2025.

2 representations of support:

- Although i support the changes I have strong reservations about the trees on grounds and if they are not removed by professionals they could cause damage.
- Upkeep of land not maintained.
- Concerned about damage to vaults.
- What assurances can the company give that vaults and graves would not be disturbed or damaged.

1 comment in relation to:

- Will access to the grounds be available to visit?
- Would there be a legal obligation on the owner to ensure that nothing is touched or removed from the graveyard?

Statutory/Non-Statutory Consultations

Traffic Section - no objections subject to parking, turning, bin storage and access arrangements shown being conditioned.

Waste Management - No response.

Environmental Health - Pollution Control - Confirmed no comment.

Greater Manchester Ecology Unit - Informatives sought in relation to protected species. Conditions sought in relation to nesting birds and enhancements through bat/bird boxes.

Pre-start Conditions - Not relevant

Development Plan and Policies

EC4/1	Small Businesses
EC5/3	Other Office Locations
EN1/2	Townscape and Built Design
EN6/3	Features of Ecological Value
EN7/2	Noise Pollution
EN8/2	Woodland and Tree Planting
HT2/4	Car Parking and New Development
H3	Incompatible Uses in Residential Areas
H3/1	Assessing Non-Conforming Uses
JP-C2	Digital Connectivity
JP-C5	Streets For All
JP-C6	Walking and Cycling
JP-C8	Transport Requirements of New Development
JP-S2	Carbon and Energy
JP-P1	Sustainable Places
JP-J3	Office Development
JP-G8	A Net Enhancement of Biodiversity and Geodiversity
SPD11	Parking Standards in Bury
NPPF	National Planning Policy Framework

Issues and Analysis

The following report includes analysis of the merits of the application against the relevant policies of both the National Planning Policy Framework (NPPF), the adopted Places for Everyone Joint Development Plan Document (PfE) and the saved policies within the adopted Bury Unitary Development Plan (UDP), together with other relevant material planning considerations.

The policies of the UDP that have been used to assess this application are considered to be in accordance with the NPPF and as such are material planning considerations. For simplicity, just the UDP and PfE Policies will be referred to in the report, unless there is a particular matter to highlight arising from the NPPF where it would otherwise be specifically mentioned.

Equality Act 2010: All planning applications are considered in light of the Equality Act 2010 and associated Public Sector Equality Duty, where the Council is required to have due regard for:

The elimination of discrimination, harassment and victimisation;

The advancement of equality of opportunity between persons who share a relevant protected characteristic and person who do not share it;

The fostering of good relations between persons who share a relevant protected characteristic and person who do not share it; which applies to people from the protected equality groups.

Human Rights: All planning applications are considered against the provisions of the Human Rights Act 1998.

Under Article 6 the applicants (and those third parties who have made representations) have the right to a fair hearing and to this end full consideration will be given to their

comments.

Article 8 and Protocol 1 of the First Article confer a right to respect private and family life and a right to the protection of property, ie peaceful enjoyment of one's possessions which could include a person's home, and other land and business assets.

In taking account of the Council policy as set out in the Bury Unitary Development Plan 1997 and all material planning considerations, it is concluded on balance that the rights conferred upon the applicant/ objectors/ residents/ other interested party by Article 8 and Article 1 of the First Protocol may be interfered with, since such interference is in accordance with the law and is justified in the public interest. Any restriction of these rights posed by refusal/ approval of the application is legitimate since it is proportionate to the wider benefits of such a decision, is based upon the merits of the proposal, and falls within the margin of discretion afforded to the Council under the Town & Country Planning Acts.

The Crime and Disorder Act 1998 imposes (without prejudice to any other obligation imposed on it) a duty upon the Council to exercise its functions and have due regard to the likely effect of the exercise of its functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area. In so doing and on making planning decisions under the Town and Country Planning Acts, the material Planning considerations shall have due regard to the provisions of the Crime and Disorder Act 1998 and its implications in the exercise of its functions.

Principle (Use)

The site is not located within a town centre or local, or neighbourhood shopping centre as set out within the UDP. The nearest neighbourhood centre is located approximately 420metres south of the site on Stand Lane. Radcliffe Town Centre boundary is located approximately 280 metres to the north west of the site.

Paragraph 91 of NPPF states that local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.

UDP Policy EC4/1 confirms proposals for small businesses will be acceptable when the scale of development is appropriate to, and the use is environmentally compatible with, the surrounding area in which it is to be located, and where they do not conflict with other policies and proposals of the Plan.

PfE Policy JP-J3 confirms the provision of new accessible office space within the plan areas, focusing on identified key growth areas including town centres.

UDP Policy EC5/3 states that outside town and district centres, and sites identified for office use, development for further office uses will not be permitted except for:

- small scale developments providing a direct service to a local area;
- refurbishment or conversion proposals which would result in the retention of buildings of architectural or historic interest;
- proposals for office-type homeworking where existing residential amenity would not be adversely affected.

The applicant has submitted a sequential test in support of their application for the change of use. This test includes a review of available office space to purchase within Radcliffe, using Costar and Rightmove Commercial and also considered allocations for offices that are closer to the town centre.

The identified allocations have already been developed, or are occupied. Only one office

result was identified in Radcliffe by costar, and no results located on Rightmove. The applicant also considered other uses that could, under PD rights be developed into offices again with limited results provided.

The applicant highlights that the applicant requires an office for owner occupation for the long term future with room for storage and potential expansion of personnel and that there are no other suitable properties closer to Radcliffe town centre, and none at all in Radcliffe that are available to purchase. The applicant states that leasing a property would not allow the security of the long term business requires.

Whilst there are discrepancies in the labelling of sites set out within the submitted sequential test, the applicant has demonstrated that there are no suitable and sequentially preferable locations and therefore the sequential test is passed.

Layout and Design

UDP Policy EN1/2 seeks to ensure that development proposals would not have a detrimental effect on the visual amenity and character of a particular area.

The application does not seek to make amendments to the existing building however a fencing has been constructed along the pedestrian access from Stand Lane that runs along the side of the graveyard. This fencing would not require planning permission. There is a gap in this fencing towards the entrance to the building that retains access to the graveyard. The graveyard has been included within the blue edge of the site, rather than the red edge and as such retains the existing use.

The proposal also seeks to introduce parking to the rear of the site. This area of the site however is already hardstanding, and access and as such the formation of a formal parking area would not have a detrimental impact on the character of the locality.

Parking and Access

UDP Policy EN1/2 requires the consideration of the design and appearance of access, parking and service provision. Policies JP-C5 and JP-C6 require streets to be well designed and managed to make a significant positive contribution to the quality of place and support high levels of walking, cycling and public transport.

In terms of parking standards, Policy JP-C8 and Policy HT2/4 requires all applications for development to make adequate provision for their car parking and servicing requirements . Supplementary Planning Document 11 provides parking standards for developments.

SPD 11 states that proposals for office developments in zone 3 should provide 1 space per 50sqm of floor space. The application form confirms that there would be 371 square metres of space available which would require 8 spaces. 3 of these spaces would need to be classified as disabled parking.

The proposed site plan includes 9 parking spaces, with the planning statement stating 2 of these spaces would be disabled provision. Given that there is an over provision of spaces by 1no. space it is considered that this additional parking space could also be utilised as disabled parking if required and as such the proposal would comply with parking standards.

Amenity

UDP Policy H3 seeks to restrict the development of incompatible uses in areas which are primarily residential in nature and where possible will seek to resolve existing conflicts. This is further supported by Policies H3/1 Uses Uses that consider factors such as noise, vibration, smell, fumes, smoke, soot, ash, grit, dust, visual intrusion, traffic generation and parking arrangements, and hours of operation, and seeks to implement measures to control these where possible to minimise areas of conflict and potential nuisance.

Policy JP-P1 further reinforces this by stating that developments should offer comfortable

and inviting indoor and outdoor environments. UDP Policy EN7/2 - Noise Pollution does not permit development which would lead to an unacceptable noise and environmental nuisance to nearby occupiers and/or amenity users.

The nearest residential property (10 and 12 Queen Street) would be approximately 11 metres away separated from the proposed office building by the car park. Similarly the dwellings on Scarr Avenue would be separated from the proposed use by the access and car park. The dwellings on Church Mews, Queen Street and Stand Lane would be separated from the building by the grave yard which is proposed to be retained in the existing use.

The proposal seeks to restrict opening hours of the office between 8am - 6pm, during the working week which is considered to be appropriate given the proposed use. Given the proposed opening hours, proximity to residential properties set out above and the use proposed it is considered that the proposal would not have a detrimental impact on the amenity of nearby users.

Due to the number of uses that are permitted within Use Class E, the proximity of residential properties and the consideration of the proposal above in that focuses solely on office use it is considered appropriate to limit the proposal to Use Class E (g) (i) by condition.

Ecology and Biodiversity Net Gain

PfE Policy JP-G8 states that through local planning and associated activities a net enhancement of biodiversity resources will be sought. This is supported by Policy EN6/3 that seeks to retain, protect and enhance the natural environment and seeks to retain features of ecological or wildlife value. Paragraph 180 of the NPPF states that the planning policies and decisions should contribute to and enhance the natural and local environment. UDP Policy EN8/2 supports and encourages new woodland and tree planting within the borough.

Protected species can turn up in unexpected places and the granting of planning permission does not negate the need to abide by the laws which are in place to safeguard biodiversity. Whilst the proposal does not include any amendments to the existing building an informative should be used so that the applicant is aware that they must seek ecological advice should they find or suspect that the proposals will impact on protected species.

Every grant of planning permission in England is deemed to have been granted subject to the biodiversity gain condition. Commencement and transitional arrangements, as well as exemptions, mean that certain permissions are not subject to biodiversity net gain.

The proposal relates to the change of use of an existing building the proposal would be exempt from BNG under the de minimus rule. Planning policy however encourages enhancements and net gains for biodiversity to be delivered through the planning system. Wherever possible measures to enhance the site for biodiversity should be secured as part of this planning application and could include integration of a bat and bird box onto the building. GMEU would suggest that a condition to this effect be placed on any permission.

Carbon and Energy and Digital Connectivity

PfE Policy JP-S2 - Carbon and Energy sets out the steps required to achieve net zero carbon emissions. Where required, any building works for the building would need to conform with Part L.

JP-C2 - Digital Connectivity - this policy requires development to have full fibre to premises connections unless infeasible or unviable, with multiple-ducting. The policy supports the provision of free, secure, high-speed public wi-fi connections, particularly in the most frequented areas.

Full fibre is available if required.

Response to representations

The proposed change of use does not extend to the historic graveyard area and a gap has been left within the fencing that has already been erected to allow access.

The proposal does not seek any consent to remove trees. Any removal of trees should be undertaken by a competent person and potential damage caused through tree removal would be at the owner's risk.

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 and Reasons:

- 1 This decision relates to drawings numbered 25-560-050 Rev B, 25-560-001 Rev A, 25-560-100 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 and Places for Everyone Joint Development Plan listed.
- 2 No works to trees or shrubs shall occur between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance.
Reason. In order to ensure that no harm is caused to a Protected Species pursuant to policies JP-G8 A Net Enhancement of Biodiversity and Geodiversity and EN6/3 - Features of Ecological Value of the Development Plan and National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.
- 3 Prior to occupation of the development hereby approved the applicant shall install bat boxes or bird boxes within the existing building.
Reason. To secure the satisfactory development of the site and ensure enhancements and net gains for biodiversity pursuant to policies JP-G8: A Net Enhancement of Biodiversity and Geodiversity and EN6/3 - Features of Ecological Value of the Development Plan and National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.
- 4 The car parking, turning areas and bin storage indicated on the approved plans shall be surfaced, demarcated and made available for use prior to occupancy of the use hereby approved.
Reason. To ensure adequate off street car parking provision in the interests of road safety pursuant to policy HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan.
- 5 The premises to which this approval relates shall be used for Use Class E (g) (i) Offices to carry out any operational or administrative functions and for no other

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purpose (including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification).

Reason. To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to the policies of the Bury Unitary Development Plan and Places for Everyone Joint Development Plan listed.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
HP	14/07/2025		