



PM10-let-03

12<sup>th</sup> July 2024

Bury MBC  
Development Control  
3 Knowsley Place  
Duke Street  
Bury  
BL9 0EJ

Dear Sir,

1. Further to your request for additional information dated 3<sup>rd</sup> June 2024, we confirm the following amended description is acceptable:

**Change of use from light industrial to restaurant (Use Class E ), to include a mezzanine floor, 2 no. extractor fans; replacement and refurbishment of windows and doors; reduced height of part retaining wall and erection of bin store with associated car parking, at :  
Former railway goods shed, Rowlands Road, Summerseat, BL9 5QY**

2. Planning Statement: We consider the following policies of the Bury Unitary Development Plan to be relevant:

**EC2/2 Employment Land and Premises Outside the Employment Generating Areas:**  
**In terms of the economy, the council seek the retention of existing employment land except where it can be clearly demonstrated that it is no longer suited in land use terms.**

**In such circumstances, consideration will be given to alternative development providing it does not conflict with the surrounding area.**

The UDP plays an important role by helping to shed away any remnants of a negative image which Bury may still have as a northern industrial town and by setting policies which bring forward high quality, prestige sites capable of attracting commercial uses.

Originally the building was constructed with a specific function in transferring goods from road vehicles to rail transport, and vice versa. In more recent times it was employed by one individual for use as a mechanical repair workshop, where engines and generators were fixed.

On the sale of the building, no interest was shown by users for light industrial use, however our current applicant could envisage a high quality restaurant, lifting the image from industrial to being a prestige development, still suitable to employ a reasonably high number of employees.

**EN1/1 Visual Amenity:**

**Development will not be permitted where proposals would have a detrimental effect on public views of prominent buildings especially those in historic interest.**

Our proposal are to maintain the outward appearance of the structure as far as possible, utilising all existing openings in the design, and creating no additional openings.

**EN1/2 Townscape and Built Design:**

**The council will give favourable consideration to proposals which do not have an unacceptable adverse effect on the particular character of townscape of the Borough's villages.**

**Factors to be considered include the external appearance and design in relation to height, scale and layout.**

Whilst retaining the height and scale as existing, the layout around the perimeter of the building will change slightly to suit pedestrian entry and exit.

The relationship of the proposal to the surrounding area will not change, albeit cars will park inside the original goods yard rather than its former use as railway sidings.

The choice and use of materials will all be as existing, or will complement the existing.

Access for the mobility impaired will have little impact on the image of the building, as the surrounding area, from car parking spaces to the interior of the building is flat.

Design and appearance of access, parking and service provision will all be from the original gated entrance into the goods yard, albeit with a lowered stone wall adjacent the entry point to assist with visibility splays.

Concerning landscaping, the heavily wooded perimeter will be enhanced by the removal of dead wood and dangerously unstable trees, by good management and by planting additional native trees.

Use of lighting across the site will be kept to a minimum, focussing attention towards the building's entrances and associated illuminated signage (subject to separate planning application).

**EN1/3 Landscaping Provision:**

As noted above, the existing trees will be surveyed and their condition assessed by our Tree Management Company, Mulberry TMC.

Any structurally dangerous or diseased trees will be carefully removed, and replaced with native varieties, creating an overall enhancement of the area.

**EN2/1 Character of Conservation Areas:**

**The council will take action as appropriate to preserve or enhance the character or appearance of the Borough's Conservation Areas.**

**The council will be especially concerned with encouraging and where appropriate implementing measures to restore features of historical interest.**

Our intentions are to work fully alongside the council with these aims to restore the engine shed and make publically viewable the historic fabric of the building, both inside and out.

**EN2/2 Conservation Area Control:**

**In considering proposals for development in Conservation Areas, regards will be had for the following criteria: in the case of re-use of buildings, or the introduction of new uses, the impact on the proposal on the character or appearance of the area.**

Our proposals will have negligible impact on the character, or appearance of the area.

**EN2/3 Listed Buildings:**

**The council will actively safeguard the character and setting of Listed Buildings, by not permitting works, alterations or changes of use which would have a detrimental effect on their historical or architectural character and features.**

Our proposed new use for the building is key to the preservation of the building fabric, being maintained and cared for, for many years to come.

Keeping the original crane in location, in central position, it will remain as an exhibit for the public to appreciate.

**EN6/3 Features of Ecological Value:**

**The effect of land use changes on existing features of ecological or wildlife value will be taken into account when assessing development proposals. Any proposal shall seek to retain such features and incorporate them into the development.**

Along the banking stretching the length of our proposed car parking area, is dense woodland, which will be enhanced, as noted above.

Our ecology consultant will carry out a full survey, and any ecological features of value retained.

**EN7 Pollution Control:**

**The council will seek to control environmental nuisance and minimise pollution levels associated with development by limiting the environmental impact of pollution, wherever possible, in conformity with current legislation and prescribed standards.**

All standards will be adhered to regarding the extraction of fumes and cooking smells, as recommended by Environmental Services and following guidance from Building Control.

**EN7/2 Noise Pollution:**

**In seeking to limit noise pollution, the council will not permit development which could lead to an unacceptable noise nuisance to nearby occupiers or amenity users; development close to a nearby source of noise.**

Noise generated inside the building is not anticipated to be unacceptable, and limited to talking, laughing and eating. Similarly, noise generated outside the building will emit from passing vehicles; noise generated by the passing of trains will serve to enhance the experience of dining inside an old engine shed.

**OL1/4 Conversion and Re-use of Buildings in the Green Belt:**

**The conversion and re-use of building in the Green Belt is not inappropriate development and will be permitted providing that it does not have a materially greater impact than the present use on the openness of the Green Belt and the purpose of using land in it; any extensions of re-used buildings and any associated uses of land surrounding the building do not conflict with the openness of the Green Belt and the purpose of including land in it; the buildings are of permanent and substantial construction and are capable of conversion without major or complete reconstruction; the form, bulk and general design are in keeping with their surroundings; suitable access and likely traffic generation can be accommodated without creating a traffic hazard or the need for major road improvements or lengthy new routes; all necessary services can be provided without extensive works; it can be established by the applicant, to the satisfaction of the local planning authority, whether or not the building contains any protected species, such as bats or barn owls. Where it is shown such species are present, measures to prevent damage to habitats will be required.**

Our proposal complies with the council statement in that it will not have a materially greater impact on the openness of the Green Belt; our car parking proposals will be on a gravel base with rustic barriers and stone setts to mark the parking bays, all to blend with the surrounding landscape; the building is of permanent and substantial construction and are capable of conversion without major reconstruction; the form, bulk and general design is unaltered from its historic early use, and in keeping with its surroundings; suitable access can be adjusted with little modification to the existing perimeter wall; all necessary services can be provided without extensive works; our ecologist will provide evidence to confirm whether or not any protected species are using the building, and if so, appropriate mitigation measures will be employed, as required.

**OL5/2 Development in River Valleys:**

**Within the River Valleys, new buildings or the change of use of existing buildings or the change of use of land will not be permitted. The only exceptions considered acceptable will be those where the development would not lead to the division of the open part of the valleys into sections and it falls within the terms below:**

**Where the area is designated as Green Belt, the established Green Belt policies will apply.**

Maintaining the structure in its original setting, built tightly along the wooded banking, ensures no further division of the open part of the river valley. Its situation within the Green Belt requires conformity with all Green Belt policies.

**RT4/1 Tourism Development:**

**The council will encourage and support proposals for the development of appropriate visitor attractions and facilities throughout the Borough....**

Facilities for visitors to Summerseat, whether by vehicle or on foot are currently limited to one restaurant and a couple of public houses on the periphery of the village, and a garden centre close by.

Other than that, the railway arches spanning over the River Irwell, adjacent quaint terraced properties, represents the character of the area.

**RT4/6 East Lancashire Railway:**

**The Council will encourage and support proposals for the further development and enhancement of facilities associated with the East Lancashire Railway.**

Our proposal is to provide a refreshment offer for visitors to Summerseat, especially those alighting from the close-by railway platform, which is all but a short walk from the original engine shed.

**S2/6 Food and Drink:**

**The Council in considering all proposals which involve restaurants, hot food takeaways, cafes, snack bars, wine bars and public houses, together with any other uses contained within class A3, will have regard to the following factors:**

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

In providing a food and drink service in this locality, well away from any nearby residents, no amenity with regard to noise or smell will be suffered.

Discarding of litter will be monitored and controlled by attentive staff, with appropriate opening hours to be agreed with the local council.

Ample car parking and servicing arrangements are proposed using the original space occupied by railway sidings, with minor alterations to allow safe movement of traffic to and from the public highway.

Arrangements are also proposed for the temporary storage of refuse and customer litter, within a sensitively designed bin enclosure, all rubbish to be emptied using a regular waste disposal contractor.

The environmental impact of any ventilation flues will be minimised by adopting the most efficient extract filter systems available, and as approved by Environmental Services.

#### **HT2/4 Car Parking and New Development:**

**The Council will require all applications for development to make adequate provision for their car parking and servicing requirements in accordance with the Council's car parking standards.**

Supplementary Planning Document (SPD) 11, Parking Standards in Bury was issued during May 2007, and is the basis of our car parking provision.

Our calculations for car parking numbers etc are explained in paragraph below, SPD 11.

#### **HT5/1 Access for those with Special Needs:**

**The Council will encourage the provision of satisfactory access to public transport, car parks, pedestrian area and public and private buildings for the mobility impaired and those with special needs. This will be achieved by proposals which include:**

- **the provision of specially demarcated car parking spaces;**
- **ramped accesses in preference to steps in public and private areas;**
- **better design of buildings incorporating details such as wider and/or automatic doors.**

Our provision will include specially demarcated car parking spaces for the disabled, located as close to the building as possible, with no need for any ramped accesses due to the level nature of the surroundings. Wider than standard doors will be provided, suited to the scale of the building as well as the needs of those with special needs.

#### **SPD9 Conversion and Re-use of Buildings in the Green Belt:**

As with policy OL1/4, there is the need to ensure any proposal would have no greater impact on the openness of the Green Belt than the current building or existing use

There is the need to ensure that the environmental quality, amenity, wildlife interest and character of the Green Belt is maintained, and where possible enhanced.

In addition with conversion of buildings in the Green Belt, this will only be acceptable where it can be demonstrated that the building in question can be converted without major rebuilding or reconstruction.

Proposals will only normally be considered for existing buildings which are considered to have historical merits or contribute to the character of the area.

#### **SPD11 Parking Standards in Bury:**

Our type of development is listed in SPD11 as 4a. Food and Drink (A3) Restaurants, requiring a maximum of 1 car space for every 7 square metres of public floor area.

As our ground floor area is 187.7sq.m, with a mezzanine of 61.3sq.m, the total area of 249sq.m would be allowed a maximum of 35 car spaces.

Coupled with this maximum, the minimum car parking for those who are disabled is 3 bays, plus 3 spaces for two wheeled motor vehicles (TWMVs).

Two spaces are also stipulated for pedal cycles, however due to the high value of today's high tech machines, these may be accommodated inside the structure, within view of the owner.

On balance, our provision of 35 car spaces will include the number required for those who are disabled, resulting in 32 car spaces, 3 bays for those who are disabled, and 3 spaces for TWMVs.

### **NPPF National Planning Policy Framework:**

A select number of points support our application, as follows:

Para.88. Planning policy decisions should enable (a) a sustainable growth and expansion of all types of business in rural areas both through the conversion of existing buildings etc.

Para. 203. In determining applications, local planning authorities should take account of:

- (a) The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.
- (b) The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality.

Para.212. Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.

### **Sequential Test:**

The Environment Agency Flood Map accessed using the Government Web Site, indicates their recorded flood zones across England in order of severity.

Across the railway tracks from our site, following the course of the River Irwell, the flood zones are indicated as flood zone 2 and 3, areas susceptible to flooding.

Our application site, on higher ground is shown to be wholly within flood zone 1, an area with a low probability of flooding.

A copy of their map is attached, reference 'PM10-let-09 flood map.'

3. A desk top study regarding contaminated land has been commissioned from The L.K. Group, which you will also find included with our application.
4. A bat survey has been commissioned from The Tyrer Partnership Limited, to include dusk / dawn surveys. Their initial report is now included with our current application.
5. An Ecological Assessment along with Biodiversity Net Gain calculations is part of the ecology package to be undertaken by The Tyrer Partnership Limited.
6. Our tree survey of the existing landscaping is to be updated by Mulberry Tree Management, under the supervision of Mr Carl Salisbury, a qualified arboriculturalist. This is included with our current application.
7. Details will be adjusted on our hard and soft landscaping plan to suit item 6, noting that any tree removal is required to be replaced by two trees.
8. No external lighting is proposed. Rather, the visual focal points will be light emitted from within the building through the glazed doors and windows, and from illuminated signage. This of course will be part of a separate application solely relating to signage.
9. A structural report is being prepared by Michael Pooler, and will form a part of this submission.

10. Employment land report – see paragraph EC2/2 above, which gives an overview of past and future potential levels of employment.
11. A fresh heritage statement has been commissioned using Steven Price from ‘The Archaeology Company,’ which now forms a part of this application.
12. Places for Everyone:  
JP-S2: Carbon and Energy. This information will be provided within 2 weeks of our application being validated.  
JP-C2: Digital Connectivity. This information will be provided within 2 weeks of our application being validated.

**Listed Building Consent:**

1. A Heritage Statement of Significance, has been commissioned by a suitably professionally qualified heritage conservation consultant (Steven Price of The Archaeology Company) in compliance with paragraph 200 of the NPPF.
2. A structural survey is included as part of this application to inform the suitability of the building for conversion and to identify any risks to the listed building.
3. A condition survey of the windows is included as part of our submission to clarify the extent of window repair required. Note, the drawings submitted with our application reflect the requirements of the Conservation Officer at the time of the original application, using stepped double glazing as the preferred option. Respecting how views change over time, this will be reviewed as described to be single glazed with secondary internal glazing.
4. A schedule of works has now been prepared, and is included with the condition survey of the windows.
5. Internal elevations are included on our section drawing, reference PM10-10A, which indicate the extent of waterproofing below the external site levels, which are to be insulated and over boarded using plasterboard, painted white.  
All other internal walls will be left exposed.
6. Details of the proposed hard and soft landscaping are indicated on drawing reference PM10-02. All stone setts in the area of the entrance 1 are to be fully exposed, retained and made good where appropriate, including around the proposed bin enclosure.  
Any stone setts which are uncovered across the remainder of the site will also be retained.
7. Details are provided on revised drawing number PM10-10A illustrating all intrusive interventions into the fabric of the building, including the level of reversibility.

Should you require anything further please do not hesitate to contact the writer.

Yours faithfully,

Gary Dearden