

DELEGATED REPORT

Report by Helen Pressley	Date of report: 03/10/2024	Ref: 70788/LBC
Registration: 09/08/2024	LDfC: 17/09/2024	Expiry Date: 04/10/2024
Site Visit: 04/09/2024	Site Notice: 27/08/2024	Press Date: 22/08/2024
Objections: 1	Con Area: BROO	Adv Type: LBCA
Reason for Delay:		EIA: NA
N/A		Dec Level: DEL
		Stat Class: LBAL

Proposal: Listed building consent for 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; reduce height of part retaining wall and erection of bin store with associated car parking

Location: The Engine Shed, Rowlands Road, Summerseat, Bury, BL9 5QY

Description

The property is a stone building originally used as a warehouse for the transfer of goods to and from the railway with access from the main track via a siding. The rails were removed many years ago and the building was previously used as an engineering workshop. There are large openings at either end of the building and windows in the west elevation. The rear of the building is built into a wooded banking to the rear. The land to the other 3 sides of the building is generally level with vehicular access from Rowlands Road which slopes downwards to pass under the railway bridge with a stone retaining wall to the site boundary. The building is a Grade II listed building and part of the application site is located within the Brooksbottoms/Rowlands Conservation Area.

Permission was granted in March 2009 and renewed in May 2012 for the change of use of the building to a restaurant and associated works. In August 2013 an additional mezzanine floor along the internal eastern elevation was also granted permission.

Listed Building Consent is sought for the change of use from light industrial to restaurant, with a mezzanine floor, replicating the now extant previous applications at the site. The proposal seeks to retain the existing internal crane, as well as the platform. The existing single glazed timber windows would also be retained, with secondary glazing fitted internally.

The proposed development would be accessed from the existing access on Rowlands Road and a car park would be located to the south and west of the building. The proposal involves the lowering of the retaining wall along Rowlands Road.

Relevant Planning History

45949 - Conversion of building to two dwelling houses (option 1) at former Railway Goods Shed, Rowlands Road, Summerseat. Refused - 31 March 2006.

The application was refused as there would have been a loss of employment premises in conflict with UDP Policy EC2/2 and loss of historic character of the building contrary to Policy EN2.

45950 - Conversion of building to dwelling house (option 2) at former Railway Goods Shed, Rowlands Road, Summerseat. Refused - 31 March 2006

The application was refused for the same reasons as above.

45951 - Conversion of building to four dwelling houses (option 3) at former Railway Goods

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Shed, Rowlands Road, Summerseat. Refused - 31 March 2006.
The application was refused for the same reasons as above.

48322 - Refurbishment, modification and conversion of existing former railway goods shed to provide live/work units comprising 2no. workshops at ground floor level and 2 no. 3 bed apartments at first and second floor levels; associated site works at former Railway Goods Shed, Rowlands Road, Summerseat. Withdrawn - 15 November 2007

48332 - Refurbishment, modification and conversion of an existing former railway goods shed to provide live/work and residential units, comprising 1 no. workshop at ground floor level with 1no. 3 bedroom apartment over at first/second floor level and 2 no. 3 bedroom dwellings; associated site works at former Railway Goods Yard, Rowlands Road, Summerseat. Withdrawn - 15 November 2007

50794 - Change of use from industrial to restaurant (use class A3) at Former Railway Goods Yard, Rowlands Road, Summerseat. Approved with conditions - 25 March 2009

50795 - Listed building consent - change of use from industrial to restaurant (use class A3) at Former Railway Goods Yard, Rowlands Road, Summerseat. Approved with conditions - 25 March 2009

50968 - Removal of operational crane and re-installation in Castle croft Warehouse (Grade II listed building), Bury at Former Railway Goods Yard, Rowlands Road, Summerseat. Refused - 23 March 2009.

54956 - Application to extend the time limit of planning permission 50794 for change of use from industrial to restaurant (use class A3) at Former Railway Goods Yard, Rowlands Road, Summerseat. Approved with conditions - 22 May 2012

54957 - Listed building consent - to extend the time limit of planning permission 50795 for change of use from industrial to restaurant (use class A3) at Former Railway Goods Yard, Rowlands Road, Summerseat. Approved with conditions - 22 May 2012

55824 - Change of use from light industrial (Class B1) to restaurant (Class A3) to include a mezzanine floor at Former railway goods yard, Rowlands Road, Summerseat. Withdrawn - 1 February 2013.

55825 - Listed building consent - change of use from light industrial (Class B1) to restaurant (Class A3) to include a mezzanine floor at Former railway goods yard, Rowlands Road, Summerseat. Withdrawn - 1 February 2013.

56397 - Change of use from light industrial (Class B1) to restaurant (Class A3) to include a mezzanine floor (resubmission) - Approve with Conditions 21/08/2013

56398 - Listed building consent - change of use from light industrial (Class B1) to restaurant (Class A3) to include a mezzanine floor (resubmission) at the Engine Shed, Rowlands Road, Summerseat.- Approve with Conditions 21/08/2013

70787 - 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; reduce height of part retaining wall and erection of bin store with associated car parking - Pending

Publicity

Letters sent to neighbouring properties on the 15th August 2024.

Site Notice 27/08/2024

Press Notice in the Bury Times 22/08/2024

- There needs to be an additional plan to show, or a clear statement made, that drainage within and through the site must be maintained, as it forms an element of the natural drainage of about 120,000 square metres of the cricket ground and farmland at higher level, to the east of the site, discharging into a culvert under the site and into the River Irwell. This drainage is not included in the plans submitted.

Statutory/Non-Statutory Consultations

Conservation Officer The proposal would have a neutral impact on the Conservation Area and would preserve the historic and architectural interest of the Listed Building.

Listed buildings - National Amenity Societies - no response

Pre-start Conditions - Agent has agreed with pre-start conditions

Development Plan and Policies

EN1/2	Townscape and Built Design
EN2/1	Character of Conservation Areas
EN2/2	Conservation Area Control
EN2/3	Listed Buildings
JP-P2	Heritage
JP-P1	Sustainable Places
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.

Heritage

The application building is a Listed Building. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 require decision makers to have special regard to the desirability of preserving a listed building or its setting or any feature of architectural or historic interest it possesses. The decision maker must also give considerable importance and weight to the desirability of preserving the setting of the listed building.

This is further supported by UDP Policy EN2/3 Listed Buildings requires the Council to actively safeguard the character and setting of Listed Buildings, not permitting works, alterations or changes of use which would have a detrimental impact on the historical character or features of the building.

The proposed development would lead to the re-use of the building as a restaurant and would retain the historic platform and the crane, which are important to the historic character of the building. The external openings would remain unchanged in terms of size and as such, the proposed development represents a viable re-use of an existing building, which would be consistent with their conservation. The proposed kitchen, toilets and storage areas would be located over three floors in the northern quarter of the building. The proposed addition has been carefully designed so that purlins and trusses within the roof structure would still be visible to customers. The proposed flues would be located within the roof of the eastern elevation, which would be the least visible elevation.

The engine shed door would be replaced with two doors fixed within a timber frame. The proposed doors within the timber frame would be partially screened by the trees and the topography of the land and would not be unduly prominent. The remaining two doors would incorporate glazed doors, a glazed section at the top with signage in between. The internal sliding door on the south elevation would be retained in a permanently open position to allow this feature to be viewed in relation to the original building. It is considered that the materials and approach would preserve the special character and historic character of the listed building or the conservation area.

The remaining existing timber windows on the west, south and north elevation will be retained as existing, with single glazing. Secondary glazing is proposed to be fitted internally which would maintain the appearance of the windows externally.

The proposed mezzanine level would be located along the eastern elevation above the platform and would be some 1 metre from the crane. The proposed mezzanine has been sited so as to allow the crane and full height of the building to be viewed.

The existing chain link fence, which runs along the boundary with the railway line is to be

retained. There is a stone retaining wall, which forms the boundary of the site with Rowlands Road varies from 1.2 metres to 4.2 metres in height. It is proposed to reduce the height of the wall to 0.1 metres above ground level, to create a better visibility splay along Rowlands Road. The existing castellated coping stones would be retained and reused on the lowered wall.

The existing curved stone wall to the north elevation of the building would be retained, and partially utilised to provide a bin store, with an area of timber boarding to the front to enclose the bins from public view.

Externally the proposed carparking would be located to the south and west of the building, utilising the former yard area. Disabled parking would be located to the north and south of the building closest to the proposed entrance doors. Trees are proposed to be retained along the embankment to the north and south of the building as existing. The stone setts to the north of the building are to be retained and extended adjacent to Rowlands Road.

External alterations to the building and landscaping including boundary treatment are considered to be neutral in impact on the character and appearance of the conservation area and as such this would be preserved.

The proposed internal alterations and change of use are considered acceptable as they would preserve the historic and architectural interest of the building and its legibility as an engine shed. In so doing it would bring a nationally significant heritage building back into a sustainable and viable use compatible with its conservation.

It is therefore considered that the proposal would comply with the Policy considerations set out above.

Response to representations

Drainage has been dealt with within the full planning application associated with the Listed Building Consent.

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 PM10-00, PM10-01A, PM10-02A, PM10-03, PM10-04A, PM10-05, PM20-06B, PM10-07B, PM10-08, PM10-09A, PM10-10B 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 A plan indicating the full extent of the proposed setts, including details/samples of the setts and the materials for the hardstanding areas, together with details of their

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manufacturer, type/colour and size, shall be submitted to and approved in writing by the Local Planning Authority before further development is commenced. All existing setts shall be retained in their original position.

Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policies EN1/2 - Townscape and Built Design, EN2/1 Character of Conservation Areas EN2/2 - Conservation Area Control and EN2/3- Listed Buildings of Bury Unitary Development Plan.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
HP	3/10/24	HL	04/10/24