

Minutes of: **PLANNING CONTROL COMMITTEE**

Date of Meeting: 28 September 2004

Present: Councillor AJ Cummings (In the Chair)
Councillors KS Briggs, S Cohen, M Connolly,
WJ Davison, Grime, S Magnall, A Matthews and
RH Redstone

Public attendance: 90 members of the public were in attendance

**Apologies for
absence:** Councillors D M Cassidy, W Flood and Y S Wright

P.399 DECLARATIONS OF INTEREST

Declarations of interest were made by members as follows:-

- Councillor Connolly (prejudicial interest) – Minute P.401 - Osborne Walk, Radcliffe, and P.404 - proposed conservation areas in Ramsbottom.
- Councillor K S Briggs (personal interest – Minutes P.403(2) - Planning Application 42854.

P.400 MINUTES

Delegated decision:

That the Minutes of the meeting held on 31 August 2004 be approved as a correct record and signed by the Chair.

P.401 CLAIM FOR PUBLIC RIGHT OF WAY AT OSBORNE WALK, RADCLIFFE

A report by the Borough Engineer was submitted relating to an application that had been made under Section 53 of the Wildlife and Countryside Act 1981 for modification of the Definitive Map and Statement by adding to it a footpath at Osborne Walk, Radcliffe.

Consideration of the report had been deferred at the last meeting of the Committee, held on 31 August 2004, to allow a site visit to take place at Osborne Walk.

The Committee heard representations from the public both for and against the application.

Delegated decision:

That this Committee accepts that the claim for a public right of way at Osborne Walk, Radcliffe, as shown on the plans submitted at the meeting, is reasonably alleged to subsist, and that the Council Solicitor be authorised to make the necessary Order to modify the Definitive Map and Statement.

P.402 DETERMINATION OF AN APPLICATION TO REGISTER LAND KNOWN AS THE LODGES, WALSHAW, BURY AS A TOWN OR VILLAGE GREEN UNDER THE COMMONS REGISTRATION ACT 1965

A report by the Council Solicitor was submitted on the application submitted for the registration of a Town or Village Green at the Lodges, Walshaw under the Commons Registration Act 1965. Such registration would deprive the land of all development value, allowing no built development, fencing or ploughing, and in view of these serious restrictions for the Landowner, the Applicant seeking village green status is required to satisfy the Registration Authority, which is the Council, that the requirements of Section 22(1)(A) of the 1965 Act are satisfied. This Section requires that six tests need to be satisfied by the Applicants.

At the meeting of this Committee held on 7 October 2003 (Minute P.567), Counsel was instructed to hold a non-statutory Public Inquiry, and following a three day inquiry, the Inspector published his written report on 13 August 2004. The Inspector summarised the evidence both for and against the registration, and made a recommendation to the Registration Authority to reject the application. The Council Solicitor read out a statement at the meeting setting out the issues which the Committee should take into account when considering this application. The statement referred to the fact that since the publication of the Inspector's report, further submissions have been sent to the Registration Authority by the Applicant, although these are not now admissible as the Inquiry has closed. Correspondence had also been received from the Open Spaces Society suggesting that the matter be deferred and that the report be further scrutinised by an independent Barrister.

The Council Solicitor recommended that, as the public inquiry had been carried out in accordance with Best Practice, its findings should normally be relied upon unless they could be shown to be unreasonable.

Delegated decision:

That this Committee, as the Registration Authority, accepts the recommendation of the Inspector, and rejects the application to register the land known as the Lodges, Walshaw as a Town or Village Green.

P.403 PLANNING APPLICATIONS

A report by the Borough Planning and Economical Development Officer was submitted in relation to various applications for planning permission.

Additional supplementary information was submitted in respect of application numbers:-

43014, 43005, 43128, 43278 and 39479.

The Committee heard representations from applicants and/or objectors in respect of the applications submitted, which was limited to two minutes for each speaker.

Delegated decisions:

1. To **approve** the following applications with the reasons put forward by the Borough Planning and Economic Development Officer in the report and any supplementary information submitted and subject to the conditions included:-

43014 – Heaton Park Congregational Church, Newtown Street, Prestwich – Holyrood Ward.

Demolition of club and out buildings and new church/Community facility with seven apartments and conversion of existing church buildings into 16 apartments.

43005 – Heaton Park Congregational Church, Newtown Street, Prestwich
List of building consent in respect of the above application.

43128 – 329 to 331 Ainsworth Road, Radcliffe – Radcliffe East Ward
Alterations to shop front and rear extension.

43278 – Top o’ the Shutts Farm off Crosby Road, Radcliffe – Radcliffe East
Conversion of barn into dwelling.

39479 – Genesis House, Stopes Road, Little Lever, Bolton – Radcliffe North
Alterations and extensions to form a dental training school and other ancillary accommodation.

2. That the Committee **refuse** application number **42854 – 425 Holcombe Road, Greenmount – North Manor Ward**
Residential development – 1 detached dwelling for the following reasons:-

- (i) The proposed dwelling by reason of its height, size and nearness to the adjoining dwelling at 419 Holcombe Road would be detrimental to the amenities enjoyed by that dwelling contrary to Policy H2/1 (b) of the Bury Unitary Development Plan;
- (ii) The proposed dwelling by reason of its design, in terms of the materials used and the design of the road, would not be in keeping with the character of the area contrary to Policy H2/1 (c) of the Bury Unitary Development Plan.

3. To note that application number **42824** relating to a three storey block of 37 retirement apartments at Old Dunsters Farm, Hebburn Drive, Bury has been withdrawn.

P.404 PROPOSED TANNERS AND BURY NEW ROAD CONSERVATION AREAS AND EXTENSION TO RAMSBOTTOM CONSERVATION AREA, RAMSBOTTOM

A report by the Borough Planning and Economic Development Officer was submitted regarding a proposal to establish conservation areas for Tanners and Bury New Road in Ramsbottom, and the report presented a summary of the responses received following a consultation which included the local community and Ramsbottom and Tottington and North Manor Area Board.

The report also referred to the Irwell Street Mills on Kenyon Street, and the possibility of including them in the Ramsbottom conservation area.

Delegated decisions:

1. That the Tanners and Bury New Road Conservation Areas should be designated in line with the originally proposed boundaries, as shown on the plans submitted at the meeting.
2. That the Ramsbottom Conservation area be extended to include Irwell Bridge Mills and other properties as shown on the plan submitted at the meeting.
3. That the Borough Planning and Economic Development Officer be requested to prepare conservation area appraisals and action plans for each of the three areas in 1. and 2. above, and to encourage local communities to be involved in the process.

P.405 CONFIRMATION OF TREE PRESERVATION ORDER – LAND WEST OF BALDINGSTONE HOUSE

A report by the Borough Planning and Economic Development Officer was submitted seeking confirmation of a Tree Preservation Order 2004 as required under Section 201 of the Town and Country Planning Act 1990, relating to land west of Baldingstone House. Details of the trees set out in the Tree Preservation Order was submitted at the meeting.

A further letter of objection had recently been received, details of which were given at the meeting.

Delegated decision:

That the Tree Preservation Order, referred to above, be confirmed.

P.406 PLANNING APPEALS

A report by the Borough Planning and Economic Development Officer was submitted presenting a summary of recent appeals decisions made by the Planning Inspectorate and listing those appeals lodged since the last meeting.

Delegated decision:

That the report be noted.

P.407 DATE OF NEXT MEETING

It was reported that the next meeting of this Committee would take place on Tuesday, 12 October 2004 at 7.00 pm.

Delegated decision:

That the information be noted.

COUNCILLOR A J CUMMINGS
Chair

(Note: The meeting started at 7.00pm and ended at 9.00pm)