

DELEGATED REPORT

Report by Jennie Townsend	Date of report: 07/04/2025	Ref: 71523/FUL
Registration: 13/02/2025	LDfC: 14/03/2025	Expiry Date: 10/04/2025
Site Visit: 19/02/2025	Site Notice: 19/02/2025	Press Date: 20/02/2025
Objections: 0	Con Area: BURY	Adv Type: LBCA
Reason for Delay:		EIA: NA
N/A		Dec Level: DEL
		Stat Class: LBAL

Proposal: Variation of condition 2 (approved plans) for listed building consent ref. 68112 to re-glaze existing rooflights, addition of 4no. conservation rooflights and internal amendments to comply with fire regulations, show more of the historic fabric and create better layouts for future occupiers

Location: 1 The Rock, Bury, BL9 0JP

Description

The site relates to a 4 storey Grade II Listed Building with room in the basement which is located at the end of a main pedestrianised shopping street within Bury Town centre and the Conservation Area.

The building is located on a corner plot and forms the first of a row of premises in a main shopping area which are in retail or commercial uses, some with office/storage or residential flats above. To the west across a cobbled side access street is St Mary's Church, also a Grade II Listed Building. At the rear are the gardens to the rectory which are separated from the site by the back access alley, North Back Rock, and a stone wall.

The building itself is a 4 storey red brick build, circa 1874, with distinctive mock timber framing. It is characterised by floor to ceiling window openings of varying designs to each floor including stained glass and oriel windows and an elaborately designed side entrance incorporating a dated coat of arms.

Listed Building consent was granted for the conversion of the rear part of the basement, rear part of the ground floor and the 1st/2nd/3rd floors from commercial to 7 no residential (5 x 1 bed flats, 1 x 2 bed flat, 1 x 3 bed flat) with external alterations. The front part of the ground floor would remain as a retail shop.

It was also proposed to carry out external alterations which included refurbishment of windows, repairs to the roof lead and replacement of a small number of slate and brick walling. Blocked windows to the ground floor would be re-instated as would the lightwells to the basement level.

This application seeks a variation of condition of the approved plans, to re-glaze existing rooflights, add 4 no conservation rooflights and re-configure the internal accommodation to the 7 no flats to also change bedroom numbers to meet the requirements of Part B of Building regulations and improve the apartment layouts.

Accommodation is now proposed as 4 x 1 bed, 1 x 2 bed and 2 x 3 bed.

Relevant Planning History

59428 - Change of use of 1st/2nd/3rd floors from commercial (Class A2) to 5 no. flats; Repairs and refurbishment of external elevations and windows.

- Approve with Conditions 17/02/2016

59429 - Listed building consent for change of use of 1st/2nd/3rd floors from commercial (Class A2) to 5 no. flats, refurbishment of external elevations and windows, associated internal works - Approve with Conditions 17/02/2016

65000 - Retention of roller shutter to shop front - Refused 12/03/2020

65001 - 1 No. externally illuminated fascia sign - Approve with Conditions 16/03/2020

65092 - Proposal A: Listed Building Consent for change of use of ground floor from insurance office (Class A2) to shop (Class A1) and 1 no. externally illuminated fascia sign

Proposal B: Listed Building Consent for the retention of roller shutter to shop front - Split Decision 16/03/2020

68111 - Change of use of basement, rear of ground floor, 1st/2nd/3rd floors from commercial (Class E) to 7 no. flats with external alterations - Approved 17/6/2022

68112 - Listed building consent for change of use of basement, rear of ground floor, 1st/2nd/3rd floors from commercial (Class E) to 7 no. flats with external alterations - Approved 17/6/22

71533 - Variation of condition 2 (approved plans) on planning permission ref. 68111 to re-glaze existing rooflights, addition of 4no. conservation rooflights and internal amendments to comply with fire regulations, show more of the historic fabric and create better layouts for future occupiers - Concurrent application

Publicity

Letters sent to 30 properties on 17/2/25.

Site notice posted 19/2/25

Press advert 20/02/25

No responses received.

Statutory/Non-Statutory Consultations

Conservation Officer - No objection.

Pre-start Conditions - Not relevant

Development Plan and Policies

NPPF	National Planning Policy Framework
Area	Central Shopping Area
BY6	
S1/1	Shopping in Bury Town Centre
S2/3	Secondary Shopping Areas and Frontages
EN2/1	Character of Conservation Areas
EN2/2	Conservation Area Control
EN2/3	Listed Buildings
EN1/2	Townscape and Built Design
HT2/4	Car Parking and New Development
H1/2	Further Housing Development
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
H2/4	Conversions
EN7/2	Noise Pollution
TC2/1	Upper Floors
TC2/2	Mixed Use Development
HT5/1	Access For Those with Special Needs
JP-P2	Heritage
JP-C2	Digital Connectivity
JP-S2	Carbon and Energy
JP-H3	Type, Size and Design of New Housing
JP-H4	Density of New Housing

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 assessment

One additional new rooflight would be added to the three already consented under 68111 and 68112 and would be located in different positions, two on each roof slope. Two original rooflight openings to each roof pitch and located immediately below the ridge of the roof would be reinstated. The proposed internal layout would be altered and this would involve

stud partition walling but would not involve the historic layout of the building. A small element of original internal brickwork would be removed to facilitate the relocation of the entrance in the rear basement area.

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which 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.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities in the exercise of their planning functions to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.

Paragraph 212 of the National Planning Policy Framework (NPPF) states 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. Paragraph 213 of the NPPF states any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

Substantial harm to or loss of:

- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;
- b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

Paragraph 215 of the NPPF states where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

The proposed variation to the internal adaptation to facilitate the change of use and the reinstatement of the original rooflight openings are considered acceptable as the building has already been significantly adapted under planning consent 59429 for 5 flats and its significance in the main is derived from its external architectural aesthetic. The level of adaptation is considered acceptable when bringing a listed building back into long term sustainable and viable use is balanced against the minimal harm caused. The additional internal partition of the building is considered to be reversible and would preserve the legibility of the existing historic plan form.

As such the proposal would comply with Bury adopted policies EN2/3-Listed Buildings and would be contrary to paragraphs 212, 213 and 215 of the NPPF.

It is recommended a condition is added to secure the design, colour and materials of the rooflights. They should be constructed from steel or timber and not UPVC. They should be coloured black and fit flush to the roof slope.

Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015

The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. 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 The development must be begun not later than the expiration of three years from the date of the original permission for Listed Building Consent ref 68112 (date of original consent 17/6/2022)
Reason - Required to be imposed pursuant to Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

- 2 This decision relates to drawings -

Project re 2065 -

Proposed basement Plan Scheme A P(100) rev B
Proposed ground floor Plan Scheme A P(110) rev A
Proposed first floor Plan Scheme A P(120) rev A
Proposed second floor Plan Scheme A P(130) rev A
Proposed third floor Plan Scheme A P(140) rev B
Proposed fourth floor Plan Scheme A P(150) rev A
Proposed roof Plan Scheme A P(160)

Heritage Statement; Design and Access Statement
Heritage Statement Addendum by Atelier.MB Feb 2025 project ref 2065

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.

- 3 The velux rooflights hereby approved and to be installed shall be a conservation area type, constructed from steel or timber only, coloured black and fitted flush to the roof slope.

Reason. In order to preserve the special architectural or historic interest of the building in the Conservation Area pursuant to the principles of the NPPF and UDP Policies EN1/2, EN2/1, EN2/2 and EN2/3 and PfE policy JP-P2.

- 4 No materials shall be used on the external elevations or roof of the proposed development other than those referred to on the approved plans / supporting documentation and condition 3 for the rooflights.

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 and EN2/2 - Conservation Area Control and EN2/3 - Listed Buildings of Bury Unitary Development Plan and PfE Policy JP-P2

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JT 7/4/25			