

DELEGATED REPORT

Report by Helen Pressley	Date of report: 15/05/2026	Ref: 73062/FUL
Registration: 03/04/2026	LDFC: 22/05/2026	Expiry Date: 29/05/2026
Site Visit: 15/05/2026	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MIOT

Proposal: Amendments to external wall finish to render

Location: 150-156 Heywood Street & 61 Kershaw Street, Bury, BL9 7DY

Description

The application relates to a terrace of properties located on the corner of Heywood Street and Kershaw Street. Planning permission has been granted for a change of use of first/second floors from office/storage (Class E(g)(i)) to 6 no. apartments including the formation of 2no rear dormers and roof lights to front and rear elevations.

Planning permission is now sought for render to the external elevations of the property.

Relevant Planning History

55403 - Retrospective application for 1 no. internally illuminated fascia sign (resubmission of 54896) - 11/01/2013

55404 - Retrospective application for 1no internally illuminated fascia sign and 1no non-illuminated fascia sign and removal of internally illuminated projecting sign. (Resubmission of 54899). - 11/01/2013

45674 - Mixed use development comprising Class uses A1, A2, B1 & 10 apartments - Approve with Conditions 01/03/2006

54896 - 1no internally illuminated fascia sign (Retrospective) - Refused 21/03/2012

55403 - Retrospective application for 1 no. internally illuminated fascia sign (resubmission of 54896) - Refused 17/08/2012

55404 - Retrospective application for 1no internally illuminated fascia sign and 1no non-illuminated fascia sign and removal of internally illuminated projecting sign. (Resubmission of 54899). - Refused 17/08/2012

56299 - 1 No. internally illuminated fascia sign to front elevation - Approve with Conditions 17/06/2013

72098 - Change of use of first/second floors from office/storage (Class E(g)(i)) to 6 no. apartments including the formation of 2no rear dormers and roof lights to front and rear elevations - Approve with Conditions 23/10/2025

Publicity

Letter sent to neighbouring properties 29/04/2026. No representations received

Statutory/Non-Statutory Consultations

None

Pre-start Conditions - Not applicable.

Development Plan and Policies

EN1/2 Townscape and Built Design
JP-P1 Sustainable Places

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.

Visual Amenity

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. PfE Policy JP-P1 Sustainable Places aims to promote a series of beautiful, healthy and varied places.

The site is located on a prominent corner, on the junction of Heywood Street and Kershaw Street. It is visible at a distance from Rochdale Road/A58. The front elevation with Heywood Road has stone detailing at first floor with headers, banding and quoins visible. Elements of the original timber shop front are also visible at ground floor. It is considered that the building is still relatively intact in terms of the original character. The elevation facing towards Kershaw Street has had more interventions that are less in keeping with the original property however the form, and facing brick work have been retained.

The brickwork and stone detailing can be seen on the residential properties facing Heywood Road with the red brick also replicated on the new build properties on Kershaw Road. It is therefore considered that this material palette makes up part of local vernacular.

The proposal seeks to render large expanses of the existing brick work, and whilst the stone detailing would be retained it is considered that this would detract from the traditional character of the building. It is acknowledged that there are some buildings within the vicinity of the site that have been rendered, or painted however it is considered that this should not set a precedence for poor design.

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

The proposal would not improve the economic, social and environmental conditions of the area nor does it comply with the development plan and therefore does not comprise sustainable development. There were no amendments to the scheme, or conditions which could reasonably have been imposed, which could have made the development acceptable and it was therefore not possible to approve the application. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

Recommendation: Refuse

Conditions and Reasons:

- 1 The use of render for the external elevations of the property is neither appropriate to, nor sympathetic with the existing structure, and would be detrimental to the visual amenity of the area. The proposed development therefore conflicts with Bury Unitary Development Plan Policy EN1/2 - Townscape and Built Design and Places for Everyone Joint Development Framework Policy JP-P1: Sustainable Places.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
HP	15/05/2026	DM	27.05.2026