

DELEGATED REPORT

Report by Mark Kilby	Date of report: 13/02/2026	Ref: 72681/LBC
Registration: 22/12/2025	LDFC: 06/02/2026	Expiry Date: 16/02/2026
Site Visit: 09/01/2026	Site Notice: 09/01/2026	Press Date: 15/01/2026
Objections: 0	Con Area: BURY	Adv Type: ALB
Reason for Delay: N/A		EIA: NA Dec Level: DEL Stat Class: LBAL

Proposal: Listed building consent for repair works to the Tower/Chimney

Location: The Fusilier Museum, Moss Street, Bury, BL9 0DF

Description

The application site is a Grade II listed building within Bury town centre conservation area. Originally built in 1893 as a technical college and school of art. It also had a weaving shed for the study of textile technology. It now houses the Fusiliers Museum, Bury Tourist Information Centre and the Northern Regimental Head Quarters of the Royal Regiment of Fusiliers.

In the mid 2000s the building was partially altered with some demolition and adaptation to the west and south elevations to facilitate the new Fusiliers Museum and Regimental Head Quarters.

The building is constructed from Accrington Red brick, Cumberland limestone and Westmorland blue slate. It has Flemish gables. The principal elevation fronting Broad Street is ashlar with basement rustication, swan neck pedimented entrance and Renaissance style frieze.

The Italianate red brick and sandstone mullioned ventilation tower (referred to in the application description as a chimney) is the subject of the application is now in part in use as a lift shaft.

The tower, through inappropriate repair and maintenance to masonry and mortar is now the source of the ingress of water damaging the tower and internal parts of the building.

Repairs are required to reverse the inappropriate repairs and carry maintenance to the masonry in general.

The buildings' significance is derived from evidence of its past uses, its social/communal value, historical interest and architectural aesthetic.

Relevant Planning History

46885 - alterations, adaptation, partial demolition and extension to form new fusiliers museum, regimental hq with alterations to existing basement workshops - AC 26/10/06
46886 - listed building consent for restoration, adaptation, partial demolition and extension of grade ii building to form new fusiliers museum and regimental hq - AC 26/10/06
56097 - listed building consent for refurbishment of the first floor accommodation into an accessible open store, archive and conference/banqueting facilities. proposals include the incorporation of a new lift within the existing chimney shaft providing access throughout the museum - AC 2/5/13
69237 - Listed building consent for repair and adaptation of roofs and gutters to address water ingress issues - AC 17/3/23

Publicity

Press notice 15/1/26, site notice 09/1/26 and letter to nearby addresses 08/01/26. No objections or comments received.

Statutory/Non-Statutory Consultations - None.

Pre-start Conditions - None.

Development Plan and Policies

EN2/3 Listed Buildings
JP-P2 Heritage
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.

Listed Building -

Policies - Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities in the exercise of their planning functions to have regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

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.

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. Proposals for demolition will be opposed and will only be considered where it is demonstrated conclusively that the building(s) cannot be retained.

In considering applications for Listed Building Consent, the Council will have regard to the following criteria:

- the impact of the proposal on the historic fabric of the building;
- the relationship of any extension to the Listed Building in terms of its height, size, design, and roof scape;
- the need to protect the setting of the Listed Building;
- the impact of associated ancillary facilities and infrastructure works.

Heritage Significance - It is considered the overall heritage significance of the building can be distilled down into social/communal value, historical value and architectural aesthetic value.

The main part of the buildings' heritage significance is the evidence of its past uses, its historic interest and its architectural aesthetic, especially the principal facade and entrance fronting Broad Street.

The ventilation tower is a brick tower, square on plan, with a flat roof with lead covering. The brickwork is one brick thick with header courses at every 4th course. There are sandstone arches with mullions on each elevation, which have extensive external metal strapping, with vertical bands at each corner, and three horizontal bands, top, middle and bottom. At the top of the tower there is a sandstone pediment with flat roof and lead covering.

There is an embedded iron band in the brickwork approximately halfway up the sandstone mullions, approximately 1 no. brick course below the external horizontal strapping. The iron band is 60mm wide and is corroding causing jacking to the stonework, greater than 10mm on the north, east and west side. There is localised spalling to the stone. The wide bed joint has been pointed in cement mortar.

There are ferrous dowels within the sandstone mullions, in line with the embedded iron band, it's unclear if the dowels and band are connected. The dowels are corroding causing 1 no. stone mullion to spall on the east side. There are mortar repairs to the stone mullions in this location which may be concealing ferrous dowels. The ferrous dowels have also caused oxide jacking.

At the top of the stone mullions there are diagonal fractures indicative of corroding ferrous dowels. In some locations the mullion has been refaced with a mortar repair, which may be in response to spalling stone from ferrous fixings, or from erosion of the sandstone. There's no visible evidence of ferrous dowels at the base of the stone mullions, but there are open bed joints.

The main issues are the embedded iron band within the brickwork and the ferrous dowels within the stone mullions. The metalwork can be removed externally. The iron band can be locally cut out and doesn't require replacement. The ferrous dowels within the stone mullions will need to be replaced with new stone indents.

The issues have been fully assessed as evidenced by the comprehensive carried out which has intelligently informed the corrective repairs required.

It is considered the proposals would have a minimal acceptable impact on the external fabric of the building. They would be barely visible and would be beneficial in stopping the ingress of water. The proposed repairs would not cause any loss or unacceptable impact to the heritage values identified which comprise its overall significance.

In totality the proposals would represent less than substantial harm to the significance of the building and would be at the lower end of that spectrum of less than substantial harm. The minimal harm identified would be outweighed by the continuing maintenance and repair of the building and preventing the ingress of water.

The proposal would comply with adopted UDP policy EN2/3 - Listed Buildings and paragraphs 212, 213, 215 of the NPPF and Heritage - JP-P2 of the Greater Manchester Combined Authority Joint Plan Places for Everyone.

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 beginning with the date of this permission.
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 and documents numbered Blackett-Ord Conservation Engineers Technical Advice Note - B55 30th September 2025, Schedule of Works, Bury Fusiliers Museum, Chimney (BUFM.02), Bury Fusilier Museum, Chimney - Repairs & Material Specification - Chambers Conservation Limited. Version 1 - 23rd May 2025, Rope Access Key Plan drawings No.s 001 to 004 inclusive all Revision A, Highlife Rope Access - Bury Fusiliers Museum - Internal Ventilation Tower Inspection Report - 23rd June 2023, Highlife Rope Access - Bury Fusiliers Museum - Ventilation Tower Inspection (external) Report and the development shall not be carried out except in accordance with the drawings and documents 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.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
Mark Kilby	13/2/26	DM	13/02/2026