

**DELEGATED REPORT**

|                                 |                                   |                                |
|---------------------------------|-----------------------------------|--------------------------------|
| <b>Report by</b> Mark Kilby     | <b>Date of report:</b> 02/12/2020 | <b>Ref:</b> 65840/FUL          |
| <b>Registration:</b> 07/09/2020 | <b>LDfC:</b> 09/10/2020           | <b>Expiry Date:</b> 02/11/2020 |
| <b>Site Visit:</b> 17/09/2020   | <b>Site Notice:</b> 17/09/2020    | <b>Press Date:</b> 17/09/2020  |
| <b>Objections:</b> 0            | <b>Con Area:</b> BURY             | <b>Adv Type:</b> LBCA          |
| <b>Reason for Delay:</b><br>N/A |                                   | <b>EIA:</b> NA                 |
|                                 |                                   | <b>Dec Level:</b> DEL          |
|                                 |                                   | <b>Stat Class:</b> MIOT        |

**Proposal:** Refurbishment of the roof and installation of 3 no. new replacement rooflights

**Location:** 6-8 Manchester Road, Bury, BL9 0ED

**Description**

Part of a mid-19th century Grade II listed terrace in the Georgian Neo-Classical style. Two storeys and basement. Red brick with stone dressings, including first floor sill band, window sills and lintels, eaves cornice and blocking course and quoins to left end corners. Up to three sash windows to each house. External doors have four moulded panels some of which have been altered, framed by pilasters and dentilled cornice and recessed in arch with a plain fanlight. Engraved glass to some of the inner doors. A bay window to each return facade. The terrace has two storey outriggers to the rear. The roof is covering is Welsh blue slate laid in a uniform course. The terrace is within Bury town centre Conservation Area.

The terrace is largely unaltered and is a fine example of a 19th century Georgian style terrace. As such its significance as a listed building is derived from its special architectural and historical interest evidencing the evolution and development of Bury town centre from a market town to a commercial centre through the onset of the Industrial Revolution.

The roof covering is failing and the resultant ingress of water is causing damage to the fabric of the building, potentially leading to a loss of significance.

The application is for the removal of the slate roof covering, replacing the roofing felt with breathable felt, new batons and re-laying the original existing roof slates. Replacing broken or missing slates with matching Welsh blue slate. Also to repair failed mortar and lead flashings.

It is not proposed to alter the roof structure.

A heritage appraisal and statement of significance was also submitted which describes the significance of the listed building and conservation area as having architectural and aesthetic interest.

A separate listed building consent application has been submitted (65841) has been submitted which will assess the impact of the repairs on the listed building.

**Relevant Planning History**

65841 - Listed building consent for refurbishment of the roof and installation of 3 no. new replacement rooflights - Approve with Conditions.

**Publicity**

Press and site notice dated 17/9/20 and letter dated 11/9/20. No comments received.

**Statutory/Non-Statutory Consultations** - None.

**Pre-start Conditions** - None.

**Unitary Development Plan and Policies**

|       |                                    |
|-------|------------------------------------|
| EN2/1 | Character of Conservation Areas    |
| EN2/2 | Conservation Area Control          |
| EN1/1 | Visual Amenity                     |
| 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) and 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 Policy 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.

## **Conservation Area**

Section 72 of The Planning (Listed Buildings and Conservation Areas) Act 1990 requires local planning authorities to give special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.

The listed building makes a strong contribution to the character and appearance of conservation area. The proposed repairs to the roof of the building by virtue of the re-use of the original Welsh blue slate and no alteration to the roof structure, the repair would not alter the buildings' appearance. As such the impact of the repairs would be neutral and so would preserve the character and appearance of the conservation area. As such the proposal would comply with adopted UDP policies EN2/1 - Character of Conservation Areas, EN2/2 - Conservation Area Control and paragraph 189, 190, 192, 193 and 194 of the NPPF.

## **Visual Amenity**

The repairs would have no more impact on the street scene than the original roof. And in any event by virtue of Section 55(2)(ii) of The Town and Country Planning Act 1990 the repair would not materially affect the external appearance of the building and as such would not require planning permission. The proposal would comply with adopted UDP policy EN1/1 - Visual Amenity.

## **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 three years beginning with the date of this permission.  
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
- 2 This decision relates to Proposed Roof Repairs Drawing C - 0447 P1, Condition Report & Proposals on the roof of 6-8 Manchester Road Bury, BL9 0ED - Ref C - 0447 August 2020, Heritage Appraisal & Statement of Significance for refurbishment of the roof at 6-8 Manchester Road Bury, BL9 0ED - Ref C - 0447 August 2020 and the development shall not be carried out except in accordance with the drawing 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 listed.

| <u>Case Officer</u> | <u>Date</u> | <u>Sign off Officer</u> | <u>Date</u> |
|---------------------|-------------|-------------------------|-------------|
| MK 2/12/20          |             | DM                      | 02/12/2020  |