

DELEGATED REPORT

Report by Jennie Townsend	Date of report: 06/10/2025	Ref: 71928/LBC
Registration: 24/07/2025	LDFC: 22/08/2025	Expiry Date: 18/09/2025
Site Visit:	Site Notice: 30/07/2025	Press Date: N/A
Objections: 0	Con Area: BURY	Adv Type: LBCA
Reason for Delay:		EIA: NA
N/A		Dec Level: DEL
		Stat Class: LBAL

Proposal: Listed building consent for change of use of basement, rear of ground floor and 1st/2nd/3rd/4th floors from commercial (Class E) to 10 no. self-contained flats with external alterations

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 dark 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.

Planing permission and Listed Building consent were granted for the change of use of the basement, rear of ground floor, 1st/2nd/3rd floors from commercial (Class E) to 7 no. flats (5 x 1 bed flats, 1 x 2 bed flat, 1 x 3 bed flat) with external alterations in June 2022. The external alterations 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.

Subsequently, variation of condition applications to the planning consent and LBC were granted in April 2025 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 (4 x 1 bed, 1 x 2 bed and 2 x 3 bed).

This application seeks LBC for change of use of the basement, rear of ground floor and 1st/2nd/3rd/4th floors from commercial (Class E) to 10 no. self-contained flats with internal and external alterations.

The external alterations include repairs to the render, repointing of brickwork, refurbishment of windows, new conservation roof lights and reinstatement of sealed conservation rooflights.

Internally, works comprise removal of sections of walls, new flooring, new ceilings, refurb of internal doors and staircases, new basement windows and pavement lights.

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

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

71523 - 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 - 07/04/2025

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 - Approve with Conditions 07/04/2025

71927 - Change of use of basement, rear of ground floor and 1st/2nd/3rd/4th floors from commercial (Class E) to 10 no. self-contained flats with external alterations - current application.

Publicity

Letters sent to 37 properties on 24/7/25.

Site notice posted 30/7/25

Press advert 31/7/25.

No responses received.

Statutory/Non-Statutory Consultations

Conservation Officer - Recommend refusal on lack of information and extent of works to the Listed Building.

Listed buildings - National Amenity Societies - No response received

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.

Principle

The application would represent a significant increase in the number of proposed flats granted consent under planning and listed building consents 68111 and 68112 from 7 to 10.

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states: In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Paragraph 202 of the National Planning Policy Framework (NPPF) states that heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

Paragraph 210 of the NPPF states in determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 212 of the 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 that 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.

Whilst a Design and Access Statement and Heritage Statement have been submitted, the documents do not provide a sufficient level of detail to understand the extent of the works and potential negative impacts of the Listed Building. The submitted documents include phrases 'like for like' replacements and internal works would 'follow best practice'.

The following issues have been identified in the application -

- There is no schedule of works, details of repairs, replacements, scope or impact.
- The schedule of works and repairs details should include the works referred to in the design and access statement and heritage statement and should, along with

annotations on the submitted plans pinpoint the exact area and extent of the repairs and alterations. This is for both internal and external works.

- A window schedule should be provided for the window repair and replacement.
- Windows will need to be maintained or replaced timber single glazing.
- Details of internal secondary glazing should it be required should be provided.
- A condition survey of the existing windows will inform the amount of repair and replacement.
- Additional light wells will not be supported.
- Internal false walls installed to the inside of exterior walls are unlikely to be supported without justification.
- Removal/loss of original skirting will not be supported.
- There are two schemes proposed for the rear elevation. This needs clarification.

The application submission for listed building consent does not provide sufficient information with regard to the amount, scale, scope, type, method and precise location of repairs or refurbishments required to be carried out to enable the proposed residential conversion to be carried out, or for their appropriateness to be fully assessed for both their impact on the special architectural or historic interest of the listed building or their requirement or otherwise for listed building consent.

In its current form the application would not satisfy the relevant policies of the NPPF listed above, adopted UDP policy EN2/3 - Listed Buildings or Environment Policy 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 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:

The application contains insufficient information and detail with regard to the amount, scale, scope, type, method and precise location of repairs or refurbishments to required to be carried out to the Listed Building or to be able to fully assess the impact on the special architectural or historic interest of the Listed Building. The proposal therefore conflict with policies EN2/3 Listed Buildings and JP-P2 and the principles of the NPPF.

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<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JT	6/10/25		