

DELEGATED REPORT

Report by Tom Beirne	Date of report: 15/04/2025	Ref: 70384/LBC
Registration: 07/02/2024	LDFC: 07/03/2024	Expiry Date: 03/04/2024
Site Visit: 19/03/2024	Site Notice: 14/02/2024	Press Date: 15/02/2024
Objections: 1	Con Area: MARY	Adv Type: LBCA
Reason for Delay: N/A		EIA: NA Dec Level: DEL Stat Class: LBAL

Proposal: Listed building consent for remedial works and internal alterations.

Location: The Rectory, 41 Church Lane, Prestwich, Manchester, M25 1AN

Description

The application relates to a Grade II listed dwelling, the former rectory which is adjacent to the Grade I listed St. Mary's Church and within St Marys Conservation Area (CA). The house and garage (connected) has a gross external area of 479 sq m over two floors. The Rectory has a gross external area of 479 sq m over two floors and was constructed in 1923 to serve St Mary's Church and Neo-Georgian and Arts and Crafts influences are clearly evident. In 1968, some internal alterations were carried out to the rectory, including the sealing-off of the servants' quarters.

The building is constructed in red-brown brick with stone dressings with pitched slate and concrete flat roofs and prominent brick obelisk chimneys. It has multi-paned sash and casement windows to all elevations with glazing bars and quoined red brick dressings that continue up the full-height of the building. The plan shape of the building is distinctive, described as 'Double-depth V-shaped (half-butterfly) plan with front ranges clasped by deeper rear ranges. The north front and rear ranges are formed principally of the servants' quarters, and the west front and rear ranges contain the principal rooms. The internal layout is arranged around the diagonal axis of the central entrance hall'.

The rectory and its grounds are partly enclosed by a brick boundary wall of varying height with sandstone copings and sandstone and brick gate piers. To the south side of the rectory building is a large garden terrace of brick with sandstone copings. The site is located on a pronounced slope away from Church Lane and towards Prestwich Clough.

The application site lies in the St Mary's conservation area which lies on the southern edge of Prestwich village, adjacent to the A56 about mid-way between Manchester and Bury. The area is primarily to the west of the main road and located around and to the south of Church Lane which forms the medieval core of the settlement. It is a large conservation area which also covers St Mary's Park and Prestwich Clough, containing both formal and informal open space and woodland.

The proposals are summarised as follows:

- Remedial work is required (such as parts of external masonry, internal ceilings damaged by water ingress, tiled internal floors surfaces, etc.), the repair of the original to as near as possible to the original is to be maintained.
- Brick replacements to match existing and Portland cement to be used in masonry repairs and re-pointing.
- Installation of new kitchen units and appliances; new bathroom, shower-room and W.C. ware including re-tiling to walls and new floor coverings.
- New en suite in main bedroom.
- Original tiles in main bathroom to be retained and part covered-over by boxing-in.

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- Energy efficiency of the structure to be maintained or improved by non-invasive additions such as insulation felt in existing loft spaces. External insulation added to non-visible flat concrete roofs where required by Building Control.
- Windows repaired (like for like)

Relevant Planning History

70383 - Erection of detached double garage - Approved 29/05/2024

24/0088 - Internal works and alterations to Listed Building - application received.

Publicity

Immediate neighbours notified by letter dated 08/02/2024. Site notice posted 14/02/2024 and press notice dated 15/02/2024. One comment expressing concerns:

- The plans not being detailed enough,
- The impact on the listed building of the works that have already taken place.
- The fencing around the site.
- The fencing around the sundial and railings.

Statutory/Non-Statutory Consultations

Conservation Officer - No objection to amended plans.

Listed buildings - National Amenity Societies - No comment received.

Pre-start Conditions - N/A

Unitary Development Plan and Policies

H2/3	Extensions and Alterations
EN1/1	Visual Amenity
EN2/1	Character of Conservation Areas
EN2/2	Conservation Area Control
EN2/3	Listed Buildings
NPPF	National Planning Policy Framework
PFE	Places for Everyone

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, including relevant policies in the emerging Places for Everyone Joint Development Plan.

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.

Policy - The NPPF specifically sets out the sort information required in assessing the appropriateness of proposals affecting heritage assets, including any contribution made by their setting (para 194):

"...local planning authorities should require an applicant to describe the significance of any heritage assets affected...The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary."

Heritage, Listed Building and Conservation area - Section 66(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990

requires that 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 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 that 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.

A heritage statement was submitted with the application and includes a contextual assessment:

"Two aspects directly affect the way the building affects, and is affected by, the surroundings in which it sits. These are (a) the extent to which the building contributes to any 'group value' value with others nearby and, (b) the role it plays within the conservation area.

The listing description for The Rectory, considers that there is 'strong group value with the neighbouring Grade I listed St Mary's Church and the Grade II listed Church Inn and no.38 Church Lane'. Furthermore, the CA-AMP thinks that: 'the new rectory harmonised with the Georgian buildings, such as the Church Inn'. As the listing also notes, the architectural interest is 'distinctive' (with a 'restrained elegance') and has a combination of both plan elements and design features (Georgian and Arts & Crafts). This contrasts with the ancient (14th century with later additions) character of the church and semi-vernacular features of the inn (& No.38) which seems to deny any great architectural or historical unity.

The Rectory exhibits features that are Georgian in style but the whole building is not of that era, unlike, we may suppose, Church Inn and its neighbour No. 38 (which are given an early 19th century dating). These Georgian features in the Rectory certainly provide a link with Church Inn but they also contrast with its other, newer features (Arts & Crafts in style) and this contrast with surrounding buildings should not be overlooked.

The rectory has been vacant for approximately at least 5 years from when it was sold by the Church of England Manchester Diocese. Unfortunately internal works were commenced by the new owner without the required listed building consent. These works ceased and an application for Listed Building consent was submitted.

After extensive surveys and assessments of the works (existing and proposed) amendments were made to the proposals, including the repair rather than replacement of the existing windows, the omission of a second en-suite and exposure of tiling in the main bathroom. The amended proposals for the internal refurbishment would now retain the existing original features including the original tiling to the upstairs bathroom, the cast iron fireplace from the servants' quarters, parquet flooring, architraves and panelled doors. There would be no alteration to the internal layout of the building. There are no significant external alterations proposed beyond essential repairs.

The addition of an en suite bathroom to the master bedroom would not involve the loss of any historic fabric and would not cause a loss of legibility. The existing original timber sash and casement window frames and glazing are to be retained and repaired where necessary which in any event would constitute a repair or maintenance not requiring listed building consent. Internal secondary glazing was installed in 2010.

The proposals, as amended, would now be acceptable in terms of heritage and conservation and comply with adopted UDP policy EN2/3 Listed Buildings and paragraphs 212, 213 and 215 of the NPPF and would achieve the heritage conservation aims of policy JP-P2 of the Greater Manchester Combined Authority Joint Plan.

Visual amenity and streetscape - The proposals do not involve significant external alterations to the listed building and the works, including repair and restoration of windows, would allow the building to be improved structurally and maintain its longevity within the streetscape. The railings on the existing boundary wall along Church Lane would match the

existing railings and improve its appearance within the streetscape. As such the proposals are acceptable in terms of visual amenity and the appearance of the building within the streetscape and comply with UDP Policies EN1/1 Visual Amenity, EN1/2 Townscape and Built Design.

Public comment - It would have been preferable for some public engagement to ensure that cultural heritage is not lost and to understand whether there is a gain in public benefit.

Several skips have been used to remove items from the site. Has this been documented and the impact of works undertaken to date understood?

The schedule of works does not provide sufficient information to assess whether harm is being caused to the fabric of the building and the impact on an important local heritage asset.

The application states that the building contains a former chapel. Should this not be treated as an Ecclesiastical building in the application form?

The use of High V Mesh Security Fencing is unacceptable for the perimeter of this site. It sits within the conservation area and would have significant impact on the group value of the Grade 1 listed St. Mary's Church and Church Inn. The heritage statement is not complete as it does not assess this impact.

The listed c1630 sundial in the grounds is at risk due to tree branches/foliage being allowed to surround it. There is no description of the fencing or how the area around the sundial will be preserved.

Response to public comment - The works were first implemented without listed building consent. The applicant was contacted and works stopped and an application for LBC was submitted. As a consequence the application was advertised and the public given the opportunity to comment.

It was recognised that the proposed works schedule lacked detail and required amendments. After a negotiations, the schedule of works has been amended and improved to protect and enhance the listed building.

The fact that there is a chapel in the building does not impact on the assessment of the Listed Building Consent.

The mesh fencing is in situ during the building works are carried out. Once complete, the fencing would be removed.

With regard to fencing around the sundial, a suitable informative would be attached to any approval.

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

The Local Planning Authority worked positively and proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. 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 This decision relates to revised drawings numbered 100110/001B, 002B, 003A, 004A, 005B, 006B, 007B, 017, 018, 019, 020, 021, 022, 024C, 025, 026B and 027. Revised Inventory of Internal Features and Proposals
Revised Heritage Statement (March 2025)
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.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
Tom Beirne	15/04/2025		