

DELEGATED REPORT

Report by Mark Kilby	Date of report: 17/03/2023	Ref: 69237/LBC
Registration: 24/01/2023	LDFC: 28/02/2023	Expiry Date: 21/03/2023
Site Visit: 06/02/2023	Site Notice: 06/02/2023	Press Date: 02/02/2023
Objections: 0	Con Area: N/A	Adv Type: ALB
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: LBAL

Proposal: Listed building consent for repair and adaptation of roofs and gutters to address water ingress issues

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.

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

The building has a complex roof form, with generally in Westmorland slate, with lead valleys. The roof over the weaving shed has a north-light configuration. When the building was converted to accommodate the Fusilier Museum in 2007-9 a new entrance and welcome area/café/shop was added in a contemporary design. This area was roofed with a flat, modern roof. The west elevation, facing the newly created Gallipoli Gardens were also faced with stack-bonded terracotta cladding.

Area A and B collects water from Roof 1 (Broad Street), discharging into a lead parapet gutter. Subsequently through the blocking course, along a small channel through the cornice to a hopper below. The capacity of this is very limited, with several restrictions and no overflow capacity. It is proposed to create a new catch pit and enlarged opening, which increases capacity, and overflow and eases maintenance (from the parapet gutter above). Drawings 001, A101 and A102 refer.

Area C which is the service road off Broad Street, water collects from Roof 1 and 2. The rainwater drains into a valley between the two roofs, then discharges through a sump, running internally to a chute into a hopper. It is proposed to create an enlarged sump and overflow, which increases capacity. The overflow will ease maintenance (from the parapet gutter above) and will alert the museum to any blockages. Drawings 001, A101 and C101 refer.

Area D at Back Market Street, historic water ingress from the chimney flashing has blown plaster on the stack, now shows through widespread efflorescence on the surface to the detriment of the aesthetic significance of that area. The water ingress has been dealt with above but repairs are required to the plasterwork (on a like-for-like basis).

Water ingress has been occurring into the modern entrance area. Whilst this does not, specifically, affect the historic fabric, it affects the overall significance through detriment to visitor experience (communal value). It is proposed to renew the membrane with an equivalent with better longevity and to renew the perimeter flashings to an improved standard.

Relevant Planning History

01525/E - Repair/replacement of window casements (wooden windows facing Bury Bus Station). - Enquiry completed 10/07/2014

01739/E - Proposed replacement of front door step with ramp for wheel chair access - Enquiry completed 24/11/2015

51636 - EXTERNAL STAIRCASE ENCLOSURE - Approve with Conditions 13/10/2009

51637 - LISTED BUILDING CONSENT FOR DEMOLITION OF EXISTING TIMBER HOUSING TO STAIRCASE AND NEW EXTERNAL STAIRCASE ENCLOSURE - Approve with Conditions 13/10/2009

57644 - Erection of 4 no. 7M fibreglass flagpoles with hinged base and winch handle system - Approve with Conditions 18/07/2014

11/0550 - Unauthorised alteration to Listed Building - 08/05/2012

15/0105 - Listed building not being taken care of, weeds around steps and broken fencing - 29/04/2015

17/0406 - Plastic banner sign to Haymarket Street elevation at first floor level - 09/10/2017.

Publicity - Letter to nearby addresses dated 24/1/23, Site Notice posted 6/2/23 and Press Notice on 2/2/23. No objections or comments received.

Statutory/Non-Statutory Consultations - None.

Pre-start Conditions - None.

Unitary Development Plan and Policies

EN2/3 Listed Buildings

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.

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 199 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 200 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 202 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 roofscape;
- 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.

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 199, 200 and 202 of the NPPF.

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 numbered Location and Site Plan 000, Location and Existing Roof Plan 001, Roof Areas A & B - Proposed Parapet Details A102,

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Roof Area C - Proposed Drainage Solution C101, Roof Area F - Proposed Details F601, Roof Areas A & B - Proposed Drainage Solution A101. 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 listed.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
Mark Kilby	17/3/23	JT	17/03/23