

DELEGATED REPORT

Report by Claire Booth	Date of report: 25/03/2026	Ref: 72117/LBC
Registration: 08/08/2025	LDfC: 11/09/2025	Expiry Date: 03/10/2025
Site Visit: 03/09/2025	Site Notice: 14/08/2025	Press Date: 21/08/2025
Objections: 0	Con Area: BURY	Adv Type: LBCA
Reason for Delay:		EIA: NA
N/A		Dec Level: DEL
		Stat Class: LBAL

Proposal: Alterations to internal layout including the removal of a central bar and reforming a new bar underneath the proscenium arch, and new toilets formed. Alterations to HVAC system, and kitchen works. General refurbishment and decoration.

Location: The Art Picture House, Haymarket Street, Bury, BL9 0AY

Description

The application relates to the Art Picture House, a Grade II listed building on Haymarket Street within Bury Town Centre and the Town Centre Conservation Area.

Art Picture House is currently in use as a pub occupied by Wetherspoons. It was built in 1923 to replace the Art Picture Hall, which was a theatre within a converted Baptist chapel.

The Theatres Trust database describes the current building as being an "elaborate and complete example of an early 1920s cinema, exceptionally theatrical in its plan and decoration". It was built with stalls, a pit and a circle with two boxes either side of the proscenium. At first floor level was a cafe known as the Oriental or Indian Lounge. It had a large stage and full-height fly tower.

Architecturally the front elevation of the building is symmetrical in five bays with the centre crowned by stepped pedimental parapets in white faience. The outer bays were crowned by elaborate arches but these have been replaced with stepped parapets. The ground floor has also been altered with modern tiling. There is a round-arched central window with 'Art Pictures' written to the left and 'Art Cafe' to the right. Internally the foyer was small with marble stairs and gilded metal balustrade with 1920s Roman style decoration. Art Picture House is unusual in that the projection box is to the rear of the stalls. The auditorium is richly decorated in an Edwardian-Baroque style with a barrel vault ceiling and a raised and domed ceiling over the rear of the balcony.

Listed building consent is sought for alterations to facilitate the refurbishment and general re-decoration of the building. The refurbishment works seek consent to change the internal layout of the building which seeks to include the removal of a central bar area and re-forming a new bar underneath the Proscenium Arch, extending the bar and proposed bar storage area into the existing Ladies toilets, creating new ladies toilets, alterations to the HVAC system and for kitchen works.

The alterations proposed to the Heating, Ventilation and Air Conditioning system includes the addition of 5 condensor units and a flue on the rear elevation of the building. These works have already been approved by application 72116.

Relevant Planning History

47953 - RELOCATION OF SHOPFRONT TO CREATE EXTERNAL AREA WITHIN EXISTING BOUNDARY TO ALLOW USE BY PUBLIC - Refused, 11/06/2007

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47954 - LISTED BUILDING CONSENT - RELOCATION OF SHOPFRONT TO CREATE AN EXTERNAL AREA, WITH METAL BALUSTRADE WITHIN EXISTING BOUNDARY TO ALLOW USE BY PUBLIC - Refused, 11/06/2007

48639 - ADDITION OF 3 AWNINGS FIXED TO BUILDING AT FRONT - Withdrawn by Applicant, 28/11/2007

48640 - LISTED BUILDING CONSENT - ADDITION OF 3 AWNINGS FIXED TO FRONT OF BUILDING - Withdrawn by Applicant, 28/11/2007

51714 - LISTED BUILDING CONSENT FOR INTERNAL REFURBISHMENT AND REPAIRS; REPAIR AND MAINTENANCE TO EXTERNAL ELEVATION INCLUDING NEW SIGNS - RETROSPECTIVE - Refused, 13/11/2009

51760 - REPLACEMENT SIGNAGE INCLUDING EXTERNALLY ILLUMINATED FASCIA SIGN AND ONE EXTERNALLY ILLUMINATED PROJECTING SIGN - Approve, with Conditions, 22/10/2009

51761 - CHANGE OF USE TO DRINKING ESTABLISHMENT (CLASS A4) - Approve, with Conditions, 05/11/2009

52528 - Listed building consent: Redecorate the existing fascia to Haymarket Street; Fix a dress curtain to the existing bulkhead within the proscenium arch; Remove the full height screen across the first floor balcony; Redecorate and repair the existing ceiling; Enclose the existing heating plant and existing associated ductwork - Approved with Conditions, 04/08/2010

53630 - Withdrawn - Invalid 04/02/2011

57863 - Installation and relocation of external extraction fan and duct riser at the rear - Approve with Conditions 13/10/2014

57864 - Listed building consent for installation and relocation of external extraction fan and duct riser at the rear - Approve with Conditions 10/10/2014

70639 - Listed building consent to create four staff WC/changing cubicles in an undeveloped space on the first floor from new stud walls and the refurbishment of the existing staff room; Addition of a condenser to the rear elevation - Approved with Conditions 12/06/2024

70642 - Erection of additional condenser on the rear elevation - Approved with Conditions, 16/05/2024

72116 - Installation of 5 additional condensers and two grilles to the rear elevation - Approved with Conditions 03/10/2025

Publicity

Due to the application site being within a Listed Building and it being within a Conservation Area, the proposals have been advertised in both the Bury Times and by Site Notice. The site notice was erected on the 14/08/2025. The Press Notice was advertised on the 21/08/2025. The notices also included the details of application 72116 which sought full planning permission for the installation of 5 additional condensers and two grilles to the rear elevation.

Statutory/Non-Statutory Consultations

Conservation Officer - No objections, subject to the amendments received.

Listed Buildings - National Amenity Societies: The Theatres Trust - No objections

Pre-start Conditions - Applicant/Agent [Not relevant/has/has not] agreed with pre-start conditions

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.

Assessment

In considering whether to grant listed building consent for any works the local planning authority or 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.

Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 states: In the exercise, with respect to any buildings or other land in a conservation area, any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

UDP Policy EN2/3 - Listed Buildings states that 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: a) 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 work.

Places for Everyone Joint Development Plan, Policy JP-P2: Heritage states that the Council will proactively manage and work with partners to positively conserve, sustain and enhance our historic environment and heritage assets and their settings. Opportunities will be pursued to aid the promotion, enjoyment, understanding and interpretation of heritage assets, as a means of maximising wider public benefits and reinforcing Greater Manchester's distinct character, identity and sense of place.

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 214 states where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a) the nature of the heritage asset prevents all reasonable uses of the site; and
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
- d) the harm or loss is outweighed by the benefit of bringing the site back into use.

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.

The proposed additions to the rear elevation of the building that include 5 air conditioning units to the rear elevation, a proposed flue to serve the kitchen area two grilles within two first floor windows have been approved by application 72116 where both the impact on the listed building and the conservation area in which the application building is sited were considered to be acceptable as they would cause less than substantial harm to the rear utilitarian elevation of the building.

The internal alterations proposed would change the layout and function of the customer-facing and serving areas within the auditorium, stage house and related areas of the Public House.

Currently there are two bars on the ground floor of the building, with a main one within the auditorium area and a secondary one in the location of the stage within the proscenium.

The central bar being removed would provide some additional seating. The stage bar would become the single point of service and would be enlarged. The existing female WCs which are currently located stage left are to be relocated to the rear of the auditorium into what is currently storage and staff areas, along with an accessible WC. These elements are more modern interventions associated with conversion to pub use, overall however there is some heritage benefit because the new layout is considered by both Officers and the Thatres Trust to be more reflective of the original plan form with more of the stalls level within the auditorium being open and accessible. This aspect of the works would be acceptable.

These proposal also include the general refurbishment of this area and restoration and the reinstatement of historic light fittings, with installation of more sensitive lighting replacing modern fittings. Planning conditions are recommended to secure these and conditions are recommended relating to the proposed replacement of modern flooring, in the event that any historic or original flooring is uncovered within the proposed refurbishment works and relating to the proposed general refurbishment works proposed to ensue all refurbishment works would be sympathetic to the character of the listed building.

A number of air conditioning Louvres are proposed to provide a comfortable internal

temperature and ventilation within the building for paying customers. These are to be positioned on the Balcony area surrounding the auditorium. Initially they were proposed to be large circular louvres coloured silver or white. The LPA had concerns about their prominence on the Balcony and them detracting from the historic Theatre features of the listed building as when viewing all the existing lighting and speakers on the Balcony the silver coloured speakers are far more prominent within the Balcony area of the building than all speakers that were black in colour. Therefore the Louvres proposed have been amended through the course of the application to secure black painted rectangular Louvres. These are considered to be acceptable and would create a level of harm that is very low. The proposed interventions are largely reversible.

Officers have also worked with the applicant to remove a large chandelier that was initially proposed within the Auditorium area that would have significantly detracted from views of the Proscenium Arch. The removal of this has resulted in the original features of the Theatre being revealed.

In accordance with the requirements of the NPPF, where harm to a designated occurs this should be weighed against the public benefits of the proposals. The proposed alterations are considered to outweigh the low level of harm that would occur as the refurbishment works and internal alterations proposed would ensure the continued occupation and viable use of the building consistent with its conservation and continued contribution of the pub use to sustainable communities. The proposed external changes to the rear elevation are considered to be acceptable additions on the utilitarian and servicing rear elevation of the building. For these reasons the proposals accord with the requirements of policies EN2/1, EN2/2 and EN2/3 of the Unitary Development Plan, Policy JP-P2: Heritage of the Greater Manchester Places for Everyone Plan, and the National Planning Policy Framework.

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 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 (as amended).

- 2 This permission relates to the following plans:

Drawing ref. Location Plan - Planning Portal Reference: PP-14127780v1;

Drawing no. PN6264-08 - AS01 C: Existing Ground Floor Plan;
Drawing no. PN6264-08 - AS02 C - Existing First Floor Plan;
Drawing no. PN6264-08 - AS03 C - Existing Second Floor Plan;
Drawing no. PN6264-08 - AS04 C: Existing Basement Plan;

Drawing no. PN6264-08 - AS05 C: Ground Floor Demolition Plan;
Drawing no. PN6264-08 - AS06 B: Existing Section AA;
Drawing no. PN6264-08 - AS07 B: Existing Section BB;
Drawing no. PN6264-08 - AS09 B: Existing Rear External Elevation;
Drawing no. PN6264-08 - AS10: Demolition First Floor Plan;
Drawing no. PN6264-08 - AS11: Demolition Second Floor Plan;

Drawing no. PN6264-08 - AL01 G : Proposed Ground Floor;
Drawing no. PN6264-08 - AL02 D: Proposed First Floor Plan;
Drawing no. PN6264-08 - AL03 E: Proposed Second Floor Plan;
Drawing no. PN6264-08 - AL04 A: Proposed Basement Plan;

Drawing no. PN6264-08 - AD01 C: Proposed Bar Layout;
Drawing no. PN6264-08 - AD02 A: Proposed Back Bar Plan;
Drawing no. PN6264-08 - AD03 B: Proposed Overhead Bar Glass Rack Plan;
Drawing no. PN6264-08 - AD04 B: DDA Plans;
Drawing no. PN6264-08 - AD06 A: Proposed Details;
Drawing no. PN6264-08 - AD07 A: Proposed Entrance Tile Layout;
Drawing no. PN6264-08 - AD09 A: Proposed Mechanical Section;

Drawing no. PN6264-08 - AF01 A: Proposed Lighting Plan;
Drawing no. PN6264-08 - AF02 A: Proposed Floor Finishes Plan;
Drawing no. PN6264-08 - AF05 A: Proposed Ground Floor Decoration Plan;
Drawing no. PN6264-08 - AF06 A: Proposed Lighting Plan Second Floor;

Drawing no. PN6264-08 - AV01 F: Proposed Section AA;
Drawing no. PN6264-08 - AV02 D: Proposed Section BB;
Drawing no. PN6264-08 - AV04 A: Proposed Rear External Elevation;

Drawing no. 2444 M101 - 1: Ground Floor Mechanical;
Drawing no. 2444 M102 - 2: First Floor Mechanical;
Drawing no. 2444 M103 - 1: Second Floor Mechanical; and,
Drawing no. 2444 M104 - 1: Proposed Elevation

Except as provided for by other conditions to this permission, the development shall be carried out in complete accordance with the approved drawings.

Reason. For the avoidance of doubt, to ensure that the works take the agreed form envisaged by the Local Planning Authority when determining the application and to ensure the works preserve the special architectural and historic interest of the listed building.

- 3 Before installation of the new bar area in accordance with approved plan AD03 A details of the design, colour and material of the approved curtain and samples of the approved up and down timber vertical slats for the bar front, including their colour, shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be implemented in accordance with the duly approved details.

Reason: To protect the special interest of the grade II listed Art Picture House in accordance with Policy EN2/3: Listed Buildings of the Bury Unitary Development Plan, Policy JP-P2: Heritage of the Greater Manchester Places for Everyone Joint Development Plan and the National Planning Policy Framework.

- 4 Before installation of the new entrance floor tiles in accordance with approved plan

AD07 A, a sample of the tiles to be used are to be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the duly approved details.

Reason. To protect the special interest of the grade II listed Art Picture House in accordance with Policy EN2/3: Listed Buildings of the Bury Unitary Development Plan, Policy JP-P2: Heritage of the Greater Manchester Places for Everyone Joint Development Plan and the National Planning Policy Framework.

- 5 A watching brief is to be maintained during the removal of the existing floor covering at the entrance in accordance with approved plan AD07 A. Any previous floor covering discovered or exposed shall be reported to the local planning authority immediately and work ceased immediately, until or unless a scheme or conservation or recording has been submitted to and approved in writing by the Local Planning Authority.

Reason. To protect the special interest of the grade II listed Art Picture House in accordance with Policy EN2/3: Listed Buildings of the Bury Unitary Development Plan, Policy JP-P2: Heritage of the Greater Manchester Places for Everyone Joint Development Plan and the National Planning Policy Framework.

- 6 Before installation of the new ground floor light fitting and fixtures hereby approved in accordance with approved plan AF01 B samples of all the proposed fittings and fixtures shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the duly approved details.

Reason. To protect the special interest of the grade II listed Art Picture House in accordance with Policy EN2/3: Listed Buildings of the Bury Unitary Development Plan, Policy JP-P2: Heritage of the Greater Manchester Places for Everyone Joint Development Plan and the National Planning Policy Framework.

- 7 Before installation of the new ground floor flooring finishes hereby approved in accordance with approved plan AF02 B samples of all the proposed fittings and fixtures shall be approved in writing by the local planning authority. The development shall thereafter be implemented in accordance with the duly approved details.

Reason. To protect the special interest of the grade II listed Art Picture House in accordance with Policy EN2/3: Listed Buildings of the Bury Unitary Development Plan, Policy JP-P2: Heritage of the Greater Manchester Places for Everyone Joint Development Plan and the National Planning Policy Framework.

- 8 Before implementation of the new ground floor decorating scheme hereby approved in accordance with approved plan AF05 A samples of all the proposed materials to be used and a sample wood panel with staining shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the duly approved details.

Reason. To protect the special interest of the grade II listed Art Picture House in accordance with Policy EN2/3: Listed Buildings of the Bury Unitary Development Plan, Policy JP-P2: Heritage of the Greater Manchester Places for Everyone Joint Development Plan and the National Planning Policy Framework.

- 9 Before installation of any of the second floor lighting plan hereby approved in accordance with approved plan AF06 A samples of all the proposed light fittings and fixtures shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the duly approved details.

Reason. To protect the special interest of the grade II listed Art Picture House in accordance with Policy EN2/3: Listed Buildings of the Bury Unitary Development Plan, Policy JP-P2: Heritage of the Greater Manchester Places for Everyone Joint Development Plan and the National Planning Policy Framework.

- 10 Before installation of the new ground floor furnishings hereby approved in accordance with approved plan samples of all the proposed fittings and fixtures shall be submitted to and approved in writing by the Local Planning Authority. This shall include Amtico and Altro floor covering samples and samples of material for re-upholstering existing and any new fixed furniture. The development shall thereafter be implemented in accordance with the duly approved details.

Reason. To protect the special interest of the grade II listed Art Picture House in accordance with Policy EN2/3: Listed Buildings of the Bury Unitary Development Plan, Policy JP-P2: Heritage of the Greater Manchester Places for Everyone Joint Development Plan and the National Planning Policy Framework.

- 11 A watching brief is to be maintained during the removal of the existing floor covering in the main customer area at the ground floor in accordance with approved plan AS05 B. Any previous floor covering discovered or exposed shall be reported to the local planning authority immediately and work ceased immediately, until or unless a scheme or conservation or recording has been approved in writing by the Local Planning Authority.

Reason. To protect the special interest of the grade II listed Art Picture House in accordance with Policy EN2/3: Listed Buildings of the Bury Unitary Development Plan, Policy JP-P2: Heritage of the Greater Manchester Places for Everyone Joint Development Plan and the National Planning Policy Framework.

- 12 The air conditioning Louvres/ diffusers hereby approved on approved plans AL02 B and AV01 F shall be painted matt black in colour - RAL 9011 and be installed in accordance with the approved plans.

Reason. To minimise the impact of these additions on the character special interest of the grade II listed Art Picture House in accordance with Policy EN2/3: Listed Buildings of the Bury Unitary Development Plan, Policy JP-P2: Heritage of the Greater Manchester Places for Everyone Joint Development Plan and the National Planning Policy Framework.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
CB	25/03/2026	DM	26.03.2026