

70805 – Land off Fletcher Fold, Bury.

Erection of 4 no. bungalows and a block of 39 no. apartments for the over 55s including communal facilities, landscaping and car parking provision.

The application site is the former Millwood school now demolished. The site had comprised of the single storey school buildings, play areas and parking. To the north east of the site are the Grade II listed dwellinghouses: The Nook, The Crest and The Manor House. The listed buildings are screened from the application site by mature trees, which are to be the subject of Tree Preservation Order (TPO). For the avoidance of doubt the neither the application site nor the listed buildings are sited within a conservation area.

A submitted heritage assessment describes the history and heritage significance of the listed buildings.

The proposed new building would be three storeys in height oriented north to south across the site.

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 require decision makers to have special regard to the desirability of preserving a listed building or its setting or any feature of architectural or historic interest it possesses. The decision maker must also give considerable importance and weight to the desirability of preserving the setting of the listed building.

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.

Paragraph 205 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 206 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 207 of the NPPF 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 208 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.

Setting can be described as not only the surrounding area to a building but also how it is experienced, and this can be influenced by many factor such as landscape character, the built environment and how the building is physically approached and changes within that setting and how that change has evolved.

The setting of the listed buildings has been significantly reduced since they were originally built in the late 18th and early 19th centuries. They are now surrounded by residential development built in the latter part of the 20th century and early 21st century. Longer views of the site from the north, south east and east are screened by mature trees. As such the setting is confined to a small area and therefore limits how the buildings are experienced in approaching on foot and by car and from longer distances.

The proposal would replace the previously existing structure and whilst there may be glimpsed views of the proposal from limited parts of the Manor House the elements that make up its setting would remain unchanged to the extent that there would be no loss of heritage significance of the listed buildings.

As such the proposal would either comply with or not be contrary to adopted UDP policy EN2/3 – Listed Buildings, paragraphs 200, 205, 206, 207 and 208 of the NPPF and policy JP-P1 of PfE.

Conservation Officer

5/8/24