

DELEGATED REPORT

Report by Mark Kilby	Date of report: 17/11/2025	Ref: 72124/LBC
Registration: 26/08/2025	LDfC: 23/09/2025	Expiry Date: 21/10/2025
Site Visit: 02/09/2025	Site Notice: 09/09/2025	Press Date: 04/09/2025
Objections: 0	Con Area:	Adv Type: LBCA
Reason for Delay:		EIA: NA
N/A		Dec Level: DEL
		Stat Class: LBAL

Proposal: Listed Building Consent for installation of ambulant disabled WC, brew area to existing room and replacement timber single glazed side opening light in mullioned window

Location: Ainsworth Unitarian Chapel, Knowsley Road, Ainsworth, Bolton, BL2 5PZ

Description

A grade II* listed Presbyterian chapel dating from 1715, two storey stone built with mullioned windows with natural slate to a dual pitched roof. The chapel is sited within the Ainsworth Village conservation area. It is also within the setting of a tight cluster of listed buildings; The Old Stables (former chapel) - Grade II listed; 9, Knowsley Road (Hooks Cottage) - Grade II listed; Duke William Inn, Well Street - Grade II listed and three tombs to the south of the Presbyterian chapel - Grade II listed.

The following description is from Historic Englands' listing description *"Inscribed in heavy pediment to doorway (supported by 2 piers): "Erected AD 1715. Enlarged 1773. Altered and repaired 1845". Rectangular, with 2 tiers of 3-light plain chamfered mullioned windows and gabled front. Interior has gallery on 3 sides and box pews"*.

It is considered the principal reasons for listing the chapel is its age, relatively intactness and its historic interest. The chapel is in use as a place of worship, services normally being held on the first Sunday of every month.

It is proposed to adapt part of the sacristy into an ambulant WC and a brew area separated by the installation of a stud wall. Originally proposed was an electric extractor fan to be installed into the first mullioned window glazing on the left hand window to the north elevation.

The proposed extractor fan has been removed from the scheme and instead a new single glazed side hung opening is proposed.

The area of the sacristy is a later addition to the chapel and is not part of the original chapel.

For the avoidance of doubt the replacement window is not considered to materially affect the external appearance of the chapel and as such by virtue of section 55(2)(a)(ii) of The Town and Country Planning Act 1990, does not require planning permission.

Relevant Planning History

None.

Publicity

Letter to nearby addresses dated 2/9/25, press notice 4/9/25 and site notice 9/9/25. No objections or comments received.

Statutory/Non-Statutory Consultations

None.

Pre-start Conditions - Not applicable.

Development Plan and Policies

EN2/3 Listed Buildings
EN1/2 Townscape and Built Design
JP-P2 Heritage

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.

Listed Building -

The chapel takes its architectural and historical interest from its links to the growth of non-conformist religion in the area and the architectural intactness of the chapel itself.

The addition of the an ambulant WC and associated partition would be sited in the later part of the chapel dating from the late 18th century and is required by an aging congregation, this in turn will prolong the sustainable use of the chapel as a place of worship and as such contribute to its longevity. The opening light is a requirement of this addition for ventilation purposes and would be installed in part of the mullioned window in the later extension to the chapel.

The partition stud wall and the WC are considered to be reversible and as such would not represent a level of impact requiring a balancing of harm against the public interest. The proposed new opening light similarly would not represent a level of harm requiring a balancing of harm against the public interest.

The submitted plan details the new opening light would match the existing glazing and setback and as such it is not considered necessary to impose a further non-standard condition.

As such, it is considered that the work would be acceptable as it would not harm the significance of the building and would retain the historical and architectural character and features of the Listed Building and therefore be in compliance with UDP Policy EN2/3, the NPPF and Joint Plan policy JP-P2 - Heritage.

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.
- 2 This decision relates to drawings numbered Proposed Elevation - 25.673.06(A), Proposed Floor Plan - 25.673.03(A), Existing Floor Plan - 25.673.04, Location Plan - 25/673.SLP 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.

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<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
Mark Kilby	17/11/2025		