

DELEGATED REPORT

Report by Mark Kilby	Date of report: 23/10/2020	Ref: 65914/LBC
Registration: 02/09/2020	LDFC: 09/10/2020	Expiry Date: 28/10/2020
Site Visit:	Site Notice: 17/09/2020	Press Date: 17/09/2020
Objections: 0	Con Area: BURY	Adv Type: LBCA
Reason for Delay:		EIA: NA
N/A		Dec Level: DEL
		Stat Class: LBAL

Proposal: Listed building consent for ground floor internal layout changes

Location: 2-4 Market Street, Bury, BL9 0AN

Description

The application site is the HSBC bank on the corner of Market Street and Silver Street in Bury Town Centre Conservation Area. It is a Grade II Listed Building. The building dates from between 1850 and 1860. It is part of a group listing of 2-10 Market Street in the historic core of the town centre and conservation area. The bank is 4 bay 2 storey ashlar in the neo-classical style with bracketed cornices, keystones, long quoins and half columns.

The application is for Listed building consent for extensive remodelling of the ground floor internal partitioning.

This is a part resubmission of 65184 for the remodelling of the ground, first and second floors given listed building consent on 26/3/20. The requirement is to amend the ground floor layout from that approved under 65184 due to the refusal of an external ATM under 64315, which the original remodelling was required for.

A brief heritage statement has been submitted and is considered to meet the requirements of paragraph 189 of the NPPF in that it sufficiently identifies the significance of the building proportionate to the proposed development.

Relevant Planning History

51572 - LISTED BUILDING CONSENT - INTERNAL REFURBISHMENT; INSTALLATION OF PAY IN MACHINE TO REPLACE EXISTING NIGHTSAFE; INSTALLATION OF ATM MACHINE; - Withdrawn by Applicant 06/11/2009

51573 - 2 NO. INTERNALLY ILLUMINATED FASCIA SIGNS; 2 NO. INTERNALLY-ILLUMINATED NAME PLATE SIGNS; 2 X INTERNALLY ILLUMINATED SIGNAGE (PAYING-IN MACHINE & ATM MACHINE) - RefuseRefused 14/09/2009

59150 - Listed building consent for replacement of 2 no. internal automated teller machines (ATMs) - Approve with Conditions 16/10/2015

60964 - Replacement signs to include 2 no. internally illuminated fascia signs, 2 no. internally illuminated projecting signs and 7 no. non-illuminated signs - Approve with Conditions 07/02/2017

60965 - Listed Building Consent for replacement signs to include 2 no. internally illuminated fascia signs, 2 no. internally illuminated projecting signs and 7 no. non-illuminated signs - Approve with Conditions 07/02/2017

60983 - Listed Building Consent for internal alterations comprising of relocation of existing ATM's and installation of new ATM's with signs, redecoration and alterations to machine walls, glazed partition and suspended ceiling
- Approve with Conditions 08/02/2017

61543 - Listed Building Consent for internal alterations comprising of relocation of existing ATM's and installation of new ATM's with signs, redecoration and alterations to machine

walls, glazed partition and suspended ceiling - Approve with Conditions 10/07/2017

64315 - Listed building consent -

Proposal A: 2 no. internally illuminated fascia signs, 3no. non illuminated projecting signs, 1 no. non illuminated window vinyl, 1 no. non illuminated opening hours sign, 1 no. internally illuminated vinyl hexagon sign, 2no. non illuminated door vinyl signs; uplighting and CCTV; internal alterations

Proposal B: Replacement of existing external door; installation of new ATM; 1no. non illuminated flag sign; 1 No. non illuminated ATM sign

- Split DecisionSplit DecisionSplit DecisionSplit DecisionSplit Decision 30/09/2019

64316 - Proposal A: 2 no. internally illuminated fascia signs, 3no. non illuminated projecting signs, 1 no. non illuminated window vinyl, 1 no. non illuminated opening hours sign, 1 no. internally illuminated vinyl hexagon sign, 2no. non illuminated door vinyl signs.

Proposal B: 1no. non illuminated flag sign, 1no. non illuminated ATM sign - Split

DecisionSplit DecisionSplit DecisionSplit DecisionSplit Decision 30/09/2019

64317 - Replace existing external door; installation of new ATM, uplighting and CCTV camera - RefuseRefused 30/09/2019

65183 - Extensive remodelling of ground floor internal partitioning and installation of one new CCTV camera - Withdrawn by Applicant 06/03/2020

65184 - Listed building consent for extensive remodelling of ground, first and second floor internal partitioning, replacement of all HSBC branding with new current HSBC UK branding - Approve with Conditions 26/03/2020

65185 - Replacement of all existing advertisements with 2 no. non illuminated fascia signs; 3 no. non illuminated projecting signs; Reverse applied vinyl marketing; White acrylic name plate; Reverse applied vinyl hexagon; 3no. Reverse applied vinyl door manifestation; Reverse applied vinyl manifestation - Approve with Conditions 27/03/2020.

Publicity

Letter dated 11/9/20, Press and Site Notice on 17/9/20. No comments received.

Statutory/Non-Statutory Consultations

Listed buildings - National Amenity Societies - No comment received

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.

Listed Buildings - 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.

The internal alterations involve replacing the existing late 20th/early 21st century stud partition wall layout and does not involve removal or alteration to the historic fabric and would be reversible and as such does not require listed building consent. As such the proposal would comply with adopted UDP policy EN2/3 - Listed Buildings and paragraphs 193, 194, and 196 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.

DELEGATED REPORT

Reason - Required to be imposed pursuant to Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

- 2 This decision relates to drawing numbered 27364-GF-GA-PL5 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	23/10/20	DM	27/10/2020