

Land at The Waterside, Summerseat Addendum to Heritage Statement



JW | Conservation

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November 2024

**Land at The Waterside, Summerseat
Addendum to Heritage Statement**

**Prepared for
Walbury Homes Ltd
by
Jenny Wetton Conservation**

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1 EXECUTIVE SUMMARY

This report was commissioned from Jenny Wetton Conservation in 2024 by Walbury Homes Ltd and is a further updated version of a previous Addendum, itself based on the existing *Heritage Statement* dated 2018. That report related to a previous application to develop the site, which was given consent in 2019 (ref. 63630). A planning history is provided in section 4. The updated summary of significance in the previous Addendum has been retained for ease of reference; that report was based on a further site visit in October 2022. The purpose of this report is to assess the impact of new proposals to re-develop the site for residential use on the significance of both the Grade-II listed Brooksbottom Mill and the Rowlands/ Brooksbottoms Conservation Area.

Section 3 of this report provides an updated summary assessment of the character of the site and its contribution to significance of both the Conservation Area and of Brooksbottom Mill. **The vacant site is neglected and is still considered to make a negative contribution to the significance of both designated assets.**

Section 4 outlines the heritage planning policy context. The 1990 Planning (Listed Buildings and Conservation Areas) Act is the primary legislative document; there is a presumption in favour of preserving and enhancing heritage assets. The NPPF provides national policy on heritage assets and development and sets out a proportionate approach taking account of significance.

Section 5 assesses the impact of the proposals. The proposed site layout is very similar to a recent application (Ref. No: 69913) which was refused, for a number of reasons. The principal differences here are that a turning head for appliances has been introduced opposite house no. 3 and a five-metre-wide easement has been introduced for maintenance of the bridge parapet and house no. 1 consequently set back.

In comparison with the heritage reasons for the refusal, the proposals are still considered to principally 'represent an incongruous, contemporising and urbanising feature' and not to have changed sufficiently to address the expressed heritage concerns. They are therefore not considered to be consistent with the identified heritage values of the Conservation Area and of the listed building, which are large scale industrial buildings or modest two storey dwellings and are **considered to be negative in impact and not to meet the requirements of national and local planning policy.**

2 INTRODUCTION

2.1 Background to the Report

This report was commissioned from Jenny Wetton Conservation in 2024 by Walbury Homes Ltd and is a further updated version of a previous Addendum, itself based on the existing *Heritage Statement* dated 2018. That report related to a previous application to develop the site, which was given consent in 2019 (ref. 63630). A planning history is provided in section 4. The updated summary of significance in the previous Addendum has been retained for ease of reference; that report was based on a further site visit in October 2022. The purpose of this report is to assess the impact of new proposals to re-develop the site for residential use on the significance of both the Grade-II listed Brooksbottom Mill and the Rowlands/ Brooksbottoms Conservation Area. The NPPF requires significance to be assessed when changes are proposed to heritage assets, and for the impact of proposals to be assessed in relation to significance.

2.2 Purpose of the Report

The report is designed to provide the author's professional opinion of an assessment of the impact of the new proposals.

This report has been written by Jenny Wetton, BA MSc (Arch Cons) IHBC, Consultant.

2.3 Copyright

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3 SUMMARY OF SIGNIFICANCE

This report is again based on the existing *Heritage Statement* dated 2018, which assessed the history of the site and the surrounding area.

The Brooksbottoms character area of the Conservation Area is that summarised in the *Character Appraisal* as 'largely a development of the cotton industry from the late eighteenth or early nineteenth century and consisting of larger industrial buildings, rows of small terraces and structures associated with the railway.'

It is still the case that there are important views along Waterside Road into the Conservation Area, which include the site and also encompass Brooksbottom Mill and the viaduct, also identified in the *Conservation Area Appraisal* as a landmark and as a proposal for addition to the Bury Draft Local List. These views also fall within the Conservation Area and one view which frames the site was used on the front cover of the *Conservation Area Appraisal*.

It is still the case that important new views opened up north-eastwards along Kay Street following the demolition of the pub. These provide additional information about the architecture of the decorative west and south elevations of the spinning block and include the historic gate house and offices. The gap left by the demolished pub allows better appreciation of the relationship between the gate house and the Mill. The riverside location of the site allows closer views of the important front elevation.

The stone bridge across the River Irwell has been rebuilt, with stone parapets with rounded copings, and adds to the character of the Conservation Area and the setting of the Mill.



View Along Kay Street Towards Mill



View South-east Towards Site from Entrance to The Spinnings

The **setting is still considered to make an overall positive contribution** to the significance of both Brooksbottom Mill and of the Conservation Area. **The vacant site is still considered to present a poor aspect and is considered to make a negative contribution to the significance of both designated assets.**

4 PLANNING HISTORY

The following are related planning applications listed on the Council's website:

- Ref. No: 69913 Erection of 5 no. dwellings with associated road and landscaping and an upgraded vehicular entrance Waterside, Kay Street, Summerseat, Bury, BL9 5PE | Received: Tue 18 Jul 2023 | Validated: Fri 11 Aug 2023 | Status: Decided
- Ref. No: 69326 Erection of single building containing 16 no. dwellings and associated car parking; Creation of an... Site of former Waterside, Kay Street, Summerseat, Bury, BL9 5PE | Received: Mon 06 Feb 2023 | Validated: Mon 06 Feb 2023 | Status: Decided
- Ref. No: 68459 Variation of condition 2 (approved drawings) following approval of planning permission 63630 - Re... Waterside, Kay Street, Summerseat, Bury, BL5 5PE | Received: Fri 13 May 2022 | Validated: Thu 09 Jun 2022 | Status: Unknown
- Ref. No: 63630 Erection of single building containing 16 no. dwellings and associated car parking; Creation of a... Land off Kay Street, Summerseat, Bury | Received: Fri 21 Dec 2018 | Validated: Mon 07 Jan 2019 | Status: Decided

5 HERITAGE PLANNING CONTEXT

5.1 National Planning Policy Framework (Dec. 2023)

The national legislative framework for development affecting listed buildings and conservation areas is provided by the Planning (Listed Buildings and Conservation Areas) Act 1990; often referred to as the Listed Buildings Act. This sets out the duty on local planning authorities with regard to listed buildings and any buildings or land within a conservation area, when determining applications for planning permission. It is essential that these legal duties are considered, alongside the contents of the NPPF and other planning policies and guidance.

For listed buildings, the planning authority *'shall have special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest which it possesses'* (section 66).

Listed building consent is required for alterations which are likely to affect the character and special interest (significance) of the building. It is not required for like-for-like repairs, nor for alterations to modern fixtures and fittings which will not affect historic fabric, such as the removal of a modern partition.

The National Planning Policy Framework (NPPF) was updated in December 2023 replacing all former planning policy statements (previous editions NPPF etc). *The Planning Practice Guide: Conserving and Enhancing the Historic Environment* should be read in the light of the NPPF and does not comprise policy.

The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. The Government has three interdependent objectives to sustainable development: economic, social and environmental. The latter objective includes contributing to 'protecting and enhancing our natural, built and historic environment.' So that sustainable development is pursued in a positive way, at the heart of the Framework is a **presumption in favour of sustainable development**. Chapter 16 is related to conserving and enhancing the historic environment.

The *Planning Practice Guide* states: 'In the case of buildings, generally the risks of neglect and decay of heritage assets are best addressed through ensuring that they remain in active use that is consistent with their conservation. Ensuring such heritage assets remain used and valued is likely to require sympathetic changes to be made from time to time.'

Policy 199 states: 'Local planning authorities should make information about the historic environment, gathered as part of policy-making or development management, publicly accessible.'

Policies 200 and 201 of the NPPF require planning applicants and local planning authorities to assess the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be appropriate to the assets' importance and no more than sufficient to understand the potential impact of

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the proposal on their significance. Local planning authorities should take this assessment into account when the potential impact of proposed development to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

Policy 202 states: Where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision.

The *Planning Practice Guide* gives further guidance:

'Disrepair and damage and their impact on viability can be a material consideration in deciding an application. However, where there is evidence of deliberate damage to or neglect of a heritage asset in the hope of making consent or permission easier to gain the local planning authority should disregard the deteriorated state of the asset (National Planning Policy Framework paragraph 202). Local planning authorities may need to consider exercising their repair and compulsory purchase powers to remedy deliberate neglect or damage¹.'

Policy 203 states: 'In determining planning 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.'

Policy 205 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.'

Policy 206 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.

Policy 207 states: 'Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities

¹ Paragraph: 014 Reference ID: 18a-014-20190723

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.'

The *Planning Practice Guide* gives guidance on how to assess if there is substantial harm:

'In general terms, substantial harm is a high test, so it may not arise in many cases. For example, in determining whether works to a listed building constitute substantial harm, an important consideration would be whether the adverse impact seriously affects a key element of its special architectural or historic interest. It is the degree of harm to the asset's significance rather than the scale of the development that is to be assessed. The harm may arise from works to the asset or from development within its setting.

While the impact of total destruction is obvious, partial destruction is likely to have a considerable impact but, depending on the circumstances, it may still be less than substantial harm or conceivably not harmful at all, for example, when removing later inappropriate additions to historic buildings which harm their significance. Similarly, works that are moderate or minor in scale are likely to cause less than substantial harm or no harm at all. However, even minor works have the potential to cause substantial harm².'

Policy 208 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.'

Policy 209 states: 'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.'

The *Planning Practice Guide* defines a non-designated heritage asset:

'Non-designated heritage assets are buildings, monuments, sites, places, areas or landscapes identified by plan-making bodies as having a degree of heritage significance meriting consideration in planning decisions but which do not meet the criteria for designated heritage assets.

² Paragraph: 018 Reference ID: 18a-018-20190723

'A substantial majority of buildings have little or no heritage significance and thus do not constitute heritage assets. Only a minority have enough heritage significance to merit identification as non-designated heritage assets³.'

Policy 211 states: 'Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.'

Policy 212 states: 'Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.'

5.2 Joint Places for Everyone (PfE) Development Plan Document (Adopted by Bury Council 21 March 2024)

The *Joint Places for Everyone (PfE) Development Plan Document* was adopted by Bury Council with effect from 21 March 2024 and supersedes some of the UDP policies, including EN1/1 Visual Amenity and EN2 Conservation and Listed Buildings.

Policy JP-P1 Sustainable Places

We aim to become one of the most liveable city regions in the world, consisting of a series of beautiful, healthy and varied places, each having the following key attributes that all development, wherever appropriate, should be consistent with:

1. Distinctive, with a clear identity that:
 - A. Conserves and enhances the natural environment, landscape features, historic environment and local history and culture;
 - B. Enables a clear understanding of how the place has developed;and
 - C. Respects and acknowledges the character and identity of the locality in terms of design, siting, size, scale and materials used
2. Visually stimulating, creating interesting and imaginative environments which raise the human spirit through the use of green space, public art and quality design
3. Socially inclusive:
 - A. Responding to the needs of all parts of society;
 - B. Enabling everyone to participate equally and independently;
 - C. Providing opportunities for social contact and support; and
 - D. Promoting a sense of community
4. Resilient, capable of dealing with major environmental events
5. Adaptable, able to respond easily to varied and changing needs and technologies
6. Durable, being built to last and using robust materials that reflect local character, weather well and are easily maintained
7. Resource-efficient with:

³ Paragraph: 039 Reference ID: 18a-039-20190723

- A. A low carbon footprint;
 - B. Efficient use of land;
 - C. Minimised use of new materials;
 - D. High levels of recycling
8. Safe, including by designing out crime and terrorism, reducing opportunities for anti-social behaviour and by ensuring that developments make appropriate provision for response and evacuation in the case of an emergency or disaster.
9. Supported by critical infrastructure, such as energy, water and drainage and green spaces
10. Functional and convenient, enabling people and uses to act efficiently with minimal effort, and responding to needs relating to servicing, recycling facilities, refuse collection and storage
11. Incorporating inclusive design within all spaces with support for tackling inequality and poverty to form part of creating sustainable places
12. Legible, being easy to understand and navigate, with the protection and enhancement of key views and new development well-integrated into the place
13. Easy to move around for those of all mobility levels, particularly by walking and cycling, with enjoyable routes free from obstacles and disorienting stimuli, and with places to rest
14. Well-connected to other places, particularly by public transport and digital infrastructure enabling everyone to take advantage of the employment, cultural and leisure opportunities across Greater Manchester and beyond
15. Comfortable and inviting, with indoor and outdoor environments:
- A. Offering a high level of amenity that minimises exposure to pollution; and
 - B. Addressing microclimate issues such as sunlight, indoor air quality, overheating, shade, wind and shelter
16. Incorporating high quality and well managed green infrastructure and quality public realm, with:
- A. Opportunities for recreation and outdoor play for children, and interaction between the generations;
 - B. Public and private spaces clearly distinguished;
 - C. Development clearly defining, and promoting activity within, public spaces;
 - D. High quality landscaping with schemes
17. Well-served by local shops, services and amenities, including education and health facilities

Policy JP-P2: Heritage

We 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.

Local Plans will set out the key elements which contribute to the district's identity, character and distinctiveness and which should be the priority for conserving and enhancing in the future and demonstrate a clear understanding of the historic environment and the heritage values of sites, buildings or areas and their relationship with their surroundings. This knowledge should be used to inform the

positive management and integration of our heritage by:

1. Setting out a clear vision that recognises and embeds the role of heritage in place-making;
2. Ensuring that the heritage significance of a site or area is considered in accordance with national planning policy in the planning and design process and opportunities for interpretation and local engagement are optimised;
3. Integrating the conservation and enhancement of heritage assets and their settings, with creative contextual architectural responses that contribute to their significance and sense of place;
4. Delivering positive benefits that sustain and enhance the historic environment, as well as contributing to the economic viability, accessibility and environmental quality of a place, and to social wellbeing; and
5. Exploring opportunities to reduce greenhouse gas emissions that restoration of historic buildings offer.

Particular consideration will be given to ensure that the significance of key elements of the historic environment which contribute to Greater Manchester's distinctive identity and sense of place are protected from harm. These include historic town centres, places of worship, historic transport routes including the canal network, industrial buildings and structures including textile mills, farmsteads and other sites, buildings, and areas of identified archaeological, architectural, artistic and/or historic value.

Development proposals affecting designated and non-designated heritage assets and/or their settings will be considered having regard to national planning policy. Where heritage assets have been identified as being at risk, Local Plans should identify specific opportunities for them to contribute to regeneration and placemaking, and they should set out strategies for their repair and re-use. Development proposals which will help safeguard the significance of and secure a sustainable future for Greater Manchester's heritage at risk will be supported in principle, provided they are not contrary to national policy or other policies in the development plan.

Proposals should be informed, as necessary, by the findings and recommendations of the appropriate heritage assessment(s) in the development plan evidence base and/or any updated heritage assessment submitted as part of the planning application process.

5.3 Bury Local Plan Policy Directions (October 2018)

Draft policies for the Local Plan have been published and are a material consideration.

Conservation Areas Policy Direction BH1

It is proposed that the Local Plan should include a policy highlighting a variety of actions that the Council could take in seeking to preserve or enhance the character or appearance of the Borough's Conservation Areas.

It is considered that the policy should also set out criteria that the Council will have regard to when considering proposals for development in Conservation Areas.

Listed Buildings Policy Direction BH2

It is proposed that the Local Plan should include a policy that seeks to ensure that the character and setting of Listed Buildings will be safeguarded by not permitting works,

alterations or changes of use which would have a detrimental effect on their historical or architectural character and features and that proposals for demolition will be opposed and will only be considered where it is demonstrated conclusively that the building(s) cannot be retained.

It is considered that the policy should also set out the factors that will be taken into account when dealing with applications for Listed Building Consent.

5.4 Brooksbottoms/Rowlands Conservation Area Study

Action 13:

Any new development should ensure that the footprint and massing of new buildings fits into the existing urban grain and respects the historic character of the Conservation Area.

6 IMPACT ASSESSMENT

6.1 Summary of the Proposals

Mellor Architects has designed an updated scheme for the redevelopment of the site for residential use, with five detached houses.

There are further details in the drawings which accompany the application, which should be read with this report. The site falls within the setting of the Grade II listed Brooksbottom Mill and within the Conservation Area and the NPPF still advises that substantial harm should be exceptional.

6.2 Impact of Changes on the Significance of the Conservation Area and of the Listed Building

The proposed site layout is very similar to a recent application (Ref. No: 69913) which was refused, for a number of reasons. The principal differences here are that a turning head for appliances has been introduced opposite house no. 3 and a five-metre-wide easement has been introduced for maintenance of the bridge parapet and house no. 1 consequently set back. There is no longer a mention of repair to the damaged river wall.

The officer report for the recent application objected to the application, stating:

'Impact of proposed development upon significance

CONSERVATION AREA

The proposed dwellings would be of a design and appearance which would represent an incongruous, contemporising and urbanising feature within that part of the conservation area. The built environment character as described and referred to in the Brookbottoms and Rowlands Conservation Area Appraisal identifies the simple homogeneity, built form and of layout of the workers cottages using vernacular materials with a form, layout and design driven by the need for simple workers cottages.

'In stark contrast, the proposed scheme offers four different house types each of a very contemporary design comprising of three storeys in height, multiple steep pitched roofs at different heights and positions, multiple flat roofed and balcony levels, juliet balconies, gable frontages and a dormer window. All of which do not feature on existing dwellings or buildings within the Conservation Area and would be incongruous architectural features. As such, the design, size, scale and mass of the proposal would not preserve or enhance the character or appearance of the conservation area.

LISTED BUILDING

'The proposed development would be viewed within the setting of the listed buildings identified. The proposed dwellings would not reflect the simple symmetrical design of the listed buildings and the nearby cottages. As such, the proposed development would represent an incongruous development within the setting of the listed buildings, causing harm to their significance by way of their visual domination and representing an incongruous feature within their setting as in the conservation area.

'As stated above, the Brooksbottom part of the Conservation Area is characterised by large scale industrial buildings or modest two storey dwellings. The proposed development of three storey dwellings would not fit either of these, being detached and too low to complement the large scale industrial buildings and too high and fussy to complement the modest two storey dwellings.

'Conclusion - In conclusion, the proposed development would represent an incongruous feature within the setting of the listed buildings, which would result in a loss of heritage significance and would not preserve or enhance the character or appearance of the conservation area. The proposal would represent less than substantial harm to the setting of the listed buildings and the character and appearance of the conservation area. No public benefit has been identified that would outweigh the harm identified. The Conservation Officer has objected to the proposed development as it would neither preserve or enhance the character of the Conservation Area and the setting of the Grade II listed buildings.⁴'

The revised proposals are still of four different designs, each of three storeys and with steeply pitched roofs, juliet balconies at different heights and gable frontages, none of which are characteristic of the area. The revised proposals are still considered to principally 'represent an incongruous, contemporising and urbanising feature' and not to have changed sufficiently to address the concerns expressed above.

While the proposals would provide five houses, it is considered that this does not outweigh the harm identified. They are therefore not considered to be consistent with the identified heritage values of the Conservation Area and of the listed building, which are large scale industrial buildings or modest two storey dwellings and are **considered to be negative in impact**.

⁴ **DELEGATED REPORT** Date of report: 30/05/2024 Ref:69913/FUL

7 CONCLUSIONS

Section 3 of this report provides an updated summary assessment of the character of the site and its contribution to significance of both the Conservation Area and of Brooksbottom Mill. The vacant site is neglected and is still considered to make a negative contribution to the significance of both designated assets.

Section 5 sets out the legislative and planning policy framework and gives guidance on the circumstances in which consent may be required. Policy 203 of the NPPF sets out the principles guiding the determination of applications for consent relating to heritage assets. This should take account of the desirability of sustaining and enhancing significance, the positive contribution that conservation of heritage assets can make to the establishment of sustainable communities and economic vitality and the desirability of new development making a positive contribution to local character and distinctiveness.

Section 6 assesses the impact of the proposals. The proposed site layout is very similar to a recent application (Ref. No: 69913) which was refused, for a number of reasons. The principal differences here are that a turning head for appliances has been introduced opposite house no. 3 and a five-metre-wide easement has been introduced for maintenance of the bridge parapet and house no. 1 consequently set back.

In comparison with the heritage reasons for the refusal, the proposals are still considered to principally 'represent an incongruous, contemporising and urbanising feature' and not to have changed sufficiently to address the previously expressed heritage concerns. They are therefore not considered to be consistent with the identified heritage values of the Conservation Area and of the listed building, which are large scale industrial buildings or modest two storey dwellings and are **considered to be negative in impact** and **not to meet the requirements of national and local planning policy**.

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