

DELEGATED REPORT

Report by Claire Booth	Date of report: 02/10/2025	Ref: 72116/FUL
Registration: 08/08/2025	LDfC: 11/09/2025	Expiry Date: 03/10/2025
Site Visit: 14/08/2025	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: MIOT

Proposal: Installation of 5 additional condensers and two grilles to the rear elevation

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

Description

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

Planning permission is sought to install 5 condenser units and insert two grilles to the building's rear elevation.

Relevant Planning History

47953 - Relocation of Shop Front to create external area within existing boundary to allow use by Public - Refused, 11/06/2007

47954 - LISTED BUILDING CONSENT - RELOCATION OF SHOP FRONT 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48639 - ADDITION OF 3 AWNINGS FIXED TO BUILDING AT FRONT - Withdrawn by Applicant 28/11/2007

48640 - LISTED BUILDING CONSENT - ADDITION OF 3 AWNINGS FIXED TO FRONT OF BUILDING - Withdrawn by Applicant 28/11/2007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53630 - Withdrawn - Invalid 04/02/2011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
- Approved 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 - Approve with Conditions, 12/06/2024

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

72117 - 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. - Under consideration.

Publicity

Due to the application site being within a Listed Building and within a Conservation Area, the proposals have been advertised in both the Bury Times and by Site Notice.

One representation has been received from a neighbouring business who park and accesses their building via the back street, who raises the following concerns:

- Concerned about the road at back Knowsley place being accessible.
- Querying where are the workmen going to pack and use machinery etc.
- Questioning whether the access going to be closed as they advise they need to get into and out of the back entry due to their service being a 2-hr emergency response to provide Health and Social care services to vulnerable residents.
- Advise they also need to transport equipment which is too heavy to carry to cars parked elsewhere.

Statutory/Non-Statutory Consultations

Conservation Officer - No objections

Environmental Health - Pollution Control

National Amenity Societies - No comments or observations received.

The Theatres Trust - No objections

Traffic Section - Querying whether a Section 50 Licence has been obtained by the applicant for the existing condensers overhanging the adopted highway.

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

Development Plan and Policies

EN2/1	Character of Conservation Areas
EN2/2	Conservation Area Control
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.

Designated Heritage Asset

The Art Picture House is currently in use as a pub. It was built in 1923 to replace the Art Picture Hall, which was a theatre within a converted Baptist chapel. It is a Grade II listed heritage asset. It is located within Bury Town Centre Conservation Area, which is on the Heritage at Risk Register.

The proposed external alterations would be entirely to the rear (Back Knowsley Street) elevation of the building. This side of the building is typically utilitarian and lacks the decorative detailing of the front elevation. It contains existing servicing and mechanical installations. Part of the wider proposal project is to improve and upgrade the kitchen extract and HVAC to meet the needs of the operator and the expectations of its customers. This results in a further five condensers being located along the rear elevation along with the insertion of two grilles through existing boarded windows and a new kitchen extract at higher level.

Whilst this project generates a degree of less than substantial harm, impact is minimised by the rear elevation being less sensitive both in listed building terms and Conservation Area terms. With reference to paragraph 215 of the NPPF there is public benefit in meeting current standards and ensuring the continued occupation of this important asset. Furthermore these interventions are largely reversible. 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,

Highways

The Local Highway Authority has raised no objections per say but have stated that the Local Highway Authority has given no consent to the existing air conditioning units on the building, which overhang the adopted highway. This matter is an issue for the Local Highway Authority to control or enforce against.

The additional condenser units proposed would similarly project beyond the rear elevation of the building, over the adopted highway. Taking account of the above, an informative is recommended on the decision notice to make the applicant aware that they should seek separate consent from the Local Highway Authority.

Affect on neighbouring businesses

Paragraph 200 of the NPPF states planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs) and that existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established.

Attached businesses to the Art Picture House have raised concerns that their vehicular access and egress to the rear of their premises to carry out their caring services cannot be blocked during installation of the proposed condenser units and grilles.

Issues caused during the construction period of a development are not a material planning consideration. However, the applicant would need separate consent from the Local Highway Authority if they were to block or temporarily close the adopted rear street. This would be publicised and representations from the public or neighbouring businesses would be taken into account. An informative advising the applicant of the above is therefore recommended.

Residential Amenity

According to the Council's mapping records, no first floor flats exist in close proximity of the rear elevation of the Art Picture House. Indeed, the rear of the property backs on to the rear of the Council's Library building.

Conclusion

Based on all of the above, the proposed additional air conditioning units and the two grilles would cause no demonstrable harm to either the character of the listed building, the character and appearance of the conservation area, or neighbouring businesses. It is therefore recommended that the application be approved.

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 three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
- 2 This decision relates to drawings numbered A-A, AL01 C, 2444 M101, AV01, AV02, AS01 A, AS02 A, AS03 A, AS04 A, AS05 and AS07 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 development in accordance with the policies contained within the Bury Unitary Development Plan, the 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 - 02/10/2025			