

DELEGATED REPORT

Report by Mark Kilby	Date of report: 10/01/2022	Ref: 67751/FUL
Registration: 16/11/2021	LDFC: 10/12/2021	Expiry Date: 11/01/2022
Site Visit: 02/12/2021	Site Notice: 02/12/2021	Press Date: 25/11/2021
Objections: 0	Con Area: BURY	Adv Type: LBCA
Reason for Delay: N/A		EIA: NA Dec Level: DEL Stat Class: MIOT

Proposal: Remedial work to the existing rear of building and roof to include re-pointing walls, re-slating the main roof, replacement window and replacing flat roof construction

Location: 12-14 Manchester Road, Bury, BL9 0DX

Description

Part of a mid-19th century Grade II listed terrace in the Georgian Neo-Classical style. Two storeys and basement. Red brick with stone dressings, including first floor sill band, window sills and lintels, eaves cornice and blocking course and quoins to left end corners. Up to three sash windows to each house. External doors have four moulded panels some of which have been altered, framed by pilasters and dentilled cornice and recessed in arch with a plain fanlight. Engraved glass to some of the inner doors. A bay window to each return facade. The terrace has two storey outriggers to the rear. The roof is covering is Welsh blue slate laid in a uniform course. The terrace is within Bury town centre Conservation Area.

The terrace is largely unaltered and is a fine example of a 19th century Georgian style terrace. As such its significance as a listed building is derived from its special architectural and historical interest evidencing the evolution and development of Bury town centre from a market town to a commercial centre through the onset of the Industrial Revolution.

The existing main roof construction is in a poor state of repair and requires reslating and new lead flashing to the box gutters and around the existing roof windows. A schedule of works has been provided with the application. Along with the main roof construction the lower flat roofs are also in need of repair along with the glazed roof section. The existing window to the second-floor storage area has rotted through and this would be replaced with a new double glazed white timber window unit. The existing rear brickwork walls also need re-pointing due to water ingress. The works would be confined to the rear of the building.

Listed Building Consent application 67752 has been submitted.

Relevant Planning History

56991 - Listed building consent for replacement company external name letters to front and side elevations - Approve with Conditions 13/02/2014

67652 - To strip and re-roof all elevations of the above address, Re-slate using as many of the salvaged slates as possible and making up any missing with slates to match. Also replace all lead - Withdrawn - Invalid 03/11/2021

67752 - Listed building consent for remedial work to the existing rear of building and roof to include re-pointing walls, re-slating the main roof, replacement window and replacing flat roof construction - Approve with Conditions.

Publicity

Press Notice - 25/11/21, Site Notice - 2/12/21 and letter to adjacent addresses dated 18/11/21. No objections or comments received.

Statutory/Non-Statutory Consultations

None.

Pre-start Conditions - None.

Unitary Development Plan and Policies

EN2/1	Character of Conservation Areas
EN2/2	Conservation Area Control
EN1/1	Visual Amenity
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.

Conservation Area

Section 72 of The Planning (Listed Buildings and Conservation Areas) Act 1990 requires local planning authorities to give special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.

The listed building makes a strong contribution to the character and appearance of conservation area. The proposed brick work re-pointing, replacement window and repairs to the roof of the building by virtue of the re-use of the original Welsh blue slate and no alteration to the roof structure, the repair would not alter the buildings' appearance. As such the impact of the repairs would be neutral and so would preserve the character and appearance of the conservation area. As such the proposal would comply with adopted UDP policies EN2/1 - Character of Conservation Areas, EN2/2 - Conservation Area Control and paragraphs 194, 195, 199, 202 of the NPPF.

Visual Amenity

The repairs would have no more impact on the street scene than the original roof. And in any event by virtue of Section 55(2)(ii) of The Town and Country Planning Act 1990 the repair would not materially affect the external appearance of the building and as such would not require planning permission. The proposal would comply with adopted UDP policy EN1/1 - Visual Amenity.

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 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 2992-01 Revision A, 2992-02, Project Solutions Limited - Schedule of Workks dated 6th October 2021, Window Sample Photograph, Window Detail Drawing and the development shall not be carried out except in accordance with the drawings, window sample and work schedule hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of repair and to preserve the significance of the listed building pursuant to adopted Bury Unitary Development Plan policy EN2/3 - Listed Buildings and paragraphs 194, 195, 199, 200 and 202 of the National Planning Policy Framework.
- 3 Repairs to the roof covering shall be carried out in accordance with the submitted Schedule of Works using the existing slates and any replacements required shall be

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of the same type, size, thickness and colour of slate as the existing original slates and relaid with the same course as the existing.

Reason. For the avoidance of doubt and to ensure a satisfactory standard of repair and to preserve the significance of the listed building pursuant to adopted Bury Unitary Development Plan policy EN2/3 - Listed Buildings and paragraphs 194, 195, 199, 200 and 202 of the National Planning Policy Framework.

- 4 Re-pointing of Brickwork - The raking out of the brick work shall be carried out using hand tools and without the use of power tools.

Reason. For the avoidance of doubt and to ensure a satisfactory standard of repair and to preserve the significance of the listed building pursuant to adopted Bury Unitary Development Plan policy EN2/3 - Listed Buildings and paragraphs 194, 195, 199, 200 and 202 of the National Planning Policy Framework.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
Mark Kilby	10/1/22	DM	10/01/2022