

DELEGATED REPORT

Report by Claire Booth	Date of report: 08/04/2026	Ref: 72746/FUL
Registration: 16/02/2026	LDFC: 10/03/2026	Expiry Date: 13/04/2026
Site Visit: 25/02/2026	Site Notice: 20/02/2026	Press Date: 26/02/2026
Objections: 0	Con Area: BURY	Adv Type: LBCA
Reason for Delay: N/A		EIA: NA Dec Level: DEL Stat Class: MIOT

Proposal: Installation of a fabricated safety walkway and external staircase; Alteration to existing window to form doorway

Location: Two Tubs Inn, 19 The Wylde, Bury, BL9 0LA

Description

This application relates to the Two Tubs Public House, formerly the Globe Inn, located on the junction of Castle Street and The Wylde. The Public House is a Grade II listed building located within Bury Town Centre Conservation Area. To its front/ east is the Grade I listed building, St Mary's Parish Church. To its rear/ west is Castle Armoury, a Grade II listed building. A Grade II* War Memorial exists to the south-east of the property and further to its south is a Grade II listed statue of Sir Robert Peel.

The application site is a Grade II listed public house, formerly the Globe Inn, of an uncertain age. It has 19th century render on 18th century brick cladding to a partial or complete timber frame, possibly dating from the 17th century or earlier. It is two storey original building, with a single storey 20th century courtyard infill development at the rear. Its frontage has three sash windows (lower left-hand a double width pair). The central doorway is framed by early C19 canopy on slender Ionic columns to right of paired window, backing on chimney. Two small sliding sash windows in left gable. It has a stone slab roof and tall chimney stacks including gable ones. The property has a beer garden area to its northern gable which contains pub tables and umbrellas. From this beer garden the side area a rear flat roof extension

Planning permission is sought for the alteration of a first floor window located at the top of the internal staircase to form a doorway and for the installation of a fabricated safety walkway over the existing flat roof extension and for an external staircase on the north facing elevation of the Public House. The proposed development is to provide an over roof means of escape in case of fire. The requirement has been identified by the Applicants' estate survey showing a need for an alternative means of escape for the occupants of the public house who occupy as living space the first floor.

The development consists of the replacement and opening up of a non-historic window opening on the rear elevation of the listed building at the first floor with a thirty minute fire door, a mild steel door exit landing plate, 1200mm x 1200mm, a single key clamp handrail to the right of the exit plate 1100mm high with a length of 1200mm, a mild steel walkway north along the single storey flat roof to the north elevation terminating at a caged drop down ladder with pin action constructed from galvanised steel.

The reason for the proposals follows an internal fire safety audit carried out by Thwaites, the brewery who own the Two Tubs P.H, on their estate. The existing situation, with no escape other than through the ground floor of the Public House, presents a significant risk to the safety of the existing occupants (Landlord/ Landlady).

A separate application, no. 72747, seeks listed building consent for the above-mentioned proposals.

Relevant Planning History

47715 - PROPOSED SMOKING CANOPY CONSISTING OF 4 UMBRELLAS - Approved with Conditions 23/05/2007

56627 - 6 No. non-illuminated fascia signs and 4 no. internally illuminated fascia signs; 2 No. externally illuminated projecting signs; 2 No. menu displays and 4 no. lanterns - Approved with Conditions, 10/10/2013

56682 - Listed building consent for replacement signage/lighting - Approve with Conditions, 10/10/2013

57877 - Listed Building Consent for render repairs / re-rendering - Approved with Conditions, 11/09/2014

72747 - Listed building consent for a fabricated safety walkway and external staircase including alteration to existing window to form doorway - Under consideration.

Publicity

Due to the application being a Grade II listed building located within Bury Town Centre Conservation Area and the setting of the Grade I listed St Mary's Parish Church this application has been publicised both in the Bury Times and by Site Notices erected on street poles located at either end of the front elevation of the Public House.

Press Notice Published - 26/02/2026

Site Notices Published - 20/02/2026

No representations have been received.

Statutory/Non-Statutory Consultations

Conservation Officer - No objections.

Listed Buildings - National Amenity Societies - No comments or observations received.

Pre-start Conditions - Not relevant.

Development Plan and Policies

EN2/1	Character of Conservation Areas
EN2/2	Conservation Area Control
EN2/3	Listed Buildings
JP-P2	Heritage
JP-S2	Carbon and Energy
JP-C2	Digital Connectivity
NPPF	National Planning Policy Framework
NPPG	National Planning Policy Guide

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.

The first consideration in the assessment of this application is the Planning (Listed Buildings and Conservation Areas) Act 1990. Section 66(1) of the Act states that in considering whether to grant planning permission for development that affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in the exercise of planning functions special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.

PfE Policy JP-P2: Heritage states: "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.

UDP Policy EN2/1 - Character of Conservation Areas states:

"The Council will take action as appropriate to preserve or enhance the character or appearance of the Borough's Conservation Areas.

The Council will be especially concerned with encouraging and, where appropriate, implementing measures to:

- retain, replace and restore features of historical and architectural interest;
- retain and enhance existing landscape features including trees, parks and gardens;
- initiate and promote environmental improvement/enhancement schemes such as landscaping, refurbishment of street furniture, traffic management and pedestrian schemes;
- remove dereliction and bring unused land or buildings back into beneficial use;
- prepare and promote design guidelines to ensure sympathetic development."

UDP Policy EN2/2 - Conservation Area Control states:

"Development within a Conservation Area will only be acceptable if it preserves or enhances the special character or appearance of the area. In considering proposals for development in Conservation Areas, regard will be had to the following criteria:

- the nature of the development in terms of its bulk, height, materials, colour, design and detailing;
- the relationship between the proposed development and the architectural and visual qualities of the surrounding area;
- where demolition is proposed, the contribution of any proposed new building to the character or appearance of the area as compared to the building to be demolished;
- in the case of the re-use of buildings or the introduction of new uses, the impact of the proposal on the character or appearance of the area and the fabric of the existing building."

UDP EN2/3 states the Council will actively safeguard the character and setting of Listed Buildings by not permitting works, alterations or changes of use which would have a detrimental effect on their historical or architectural character and features. Proposals for demolition will be opposed and will only be considered where it is demonstrated conclusively that the building(s) cannot be retained.

Paragraph 202 of the National Planning Policy Framework (NPPF) states that heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

Paragraph 210 of the NPPF states in determining 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.

Paragraph 212 of the NPPF 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.

Paragraph 213 of the NPPF 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.

Paragraph 214 states where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities 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.

Paragraph 215 of the NPPF states that 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.

The proposed development would have no visibility from public realm areas from the west, south or eastern areas surrounding the public house or from longer distances. There would only be limited views from the properties to the north of the site. There would be limited filtered views of the development from the northeast through the railings and across the beer garden area at the side of the public house, where the development would be on the elevation stepped back from the two storey gable end.

With regard to the settings of the listed buildings identified, there would only be very filtered intervisibility with the Grade I St Mary's Church. The development would not be viewed within the settings of the other heritage assets identified. Because of its limited impact the proposal would represent less than substantial harm at the moderate end of that scale on the setting of the Grade I listed church and less than substantial harm on the character and appearance of the Bury town centre conservation area.

The proposed alterations should be painted black to reflect the black timber framing on the listed building and in the interests of visual amenity and preserving the character and appearance of the conservation officer. Also to be sympathetic to the character of the listed building, in the interests of visual amenity and securing well designed development, timber doors will be secured by condition.

To conclude, and inline with the requirements of the NPPF, this proposal would be a public benefit as it would keep the public house in use and conserve its heritage significance compatible with its use. This would also preserve the contribution the building makes to the character and appearance of Bury Town Centre conservation area. The proposed development therefore accords with UDP Policies EN2/1, EN2/2 and EN2/3, PFE Policy JP-P2, the NPPF and Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Carbon and Energy - PFE Policy JP-S2

Development proposals should set out how they intend to minimise energy demand and maximise energy efficiency unless it can be demonstrated that it is not practicable or financially viable. Development should comply with the 2022 part L Building regulations. The development should also include an EV chargepoint for each house (in line with Part S of Buildings Regs and where appropriate and practical).

The proposals do not include any works which use energy from the building or impact on thermal performance and energy efficiency. The proposals are also not required to comply with Part L of the approved documents. Accordingly, this policy is not relevant to this proposal on this Grade II listed building.

PfE Policy JP-C2: Digital Connectivity

This policy supports high quality digital infrastructure and requires new development to have full fibre to premises connections, operational internet connections and accessibility to network providers unless technically infeasible or unviable.

The proposals do not involve any works relating to digital infrastructure or where such works could be incorporated. This policy is therefore not relevant to this proposal.

Biodiversity Net Gain

As the application was made after 2 April 2024, it is subject to the provisions in Schedule 7A of the Town and Country Planning Act 1990 (the Act) relating to “Biodiversity Net Gain in England” which “makes provision for grants of planning permission in England to be subject to a condition to secure that the biodiversity gain objective is met”. The general condition of planning permission relating to biodiversity gain is set out in paragraph 13(2) to Schedule 7A of the Act and states that:

- (2) The condition is that the development may not be begun unless—
- (a) a biodiversity gain plan has been submitted to the planning authority (see paragraph 14), and
 - (b) the planning authority has approved the plan (see paragraph 15).

However, there are specific exemptions from biodiversity net gain for certain types of development. These exemptions are set out in paragraph 17 of Schedule 7A of the Act and the Biodiversity Gain Requirements (Exemptions) Regulations 2024.

Officers consider the proposal to be “subject to the de minimis exemption (development below the threshold)”. This exemption applies to development that does not impact a priority habitat and impacts less than 25 square metres (e.g. 5m by 5m) of onsite habitat, or 5 metres of linear habitats such as hedgerows.

In this case, as the proposed development would be erected on land/ a roof which is presently a sealed surface and so has a score of 0 in the statutory metric, the development is considered to be subject to the “de minimis exemption” in paragraph 4 of The Biodiversity Gain Requirements (Exemptions) Regulations 2024 as it would not impact a priority habitat and impacts less than 25 square metres (e.g. 5m by 5m) of onsite habitat, or 5 metres of linear habitats. Accordingly, the general condition of planning permission relating to biodiversity gain set out in paragraph 13(2) to Schedule 7A of the Act does not apply in this instance. An informative note explaining this will be attached to the decision notice to meet the requirements in Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Other Matters

There are no other material considerations of note to influence the decision.

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 permission relates to the following plans:

Document Ref. 2272/03: Location Plan;
Drawing no. 2272/01: Existing Floor Plans & Elevations;
Drawing no. 2272/02: Proposed Floor Plans & Elevations; 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, Greater Manchester Places for Everyone Joint Development Plan and the National Planning Policy Framework.
- 3 The key clamp handrail, escape ladder and new door hereby approved shall all be painted black, and shall be maintained as such thereafter.

Reason. To ensure an appropriate finish which is sympathetic to the character and appearance of the host building and the conservation area, in accordance with the requirements of Policies EN2/1 - Character of Conservation Areas, EN2/2 - Conservation Area Control and EN2/3 - Listed Buildings of the Bury Unitary Development Plan, Policy JP-P2: Heritage of the Greater Manchester 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	08/04/2026	DM	08.04.2026