

PLANNING STATEMENT ADDENDUM

The Lord Raglan Public House, Mount Pleasant, Bury BL9 6SP

Introduction

1. This statement serves as an Addendum to the Revised Planning Design & Access Statement (PDAS), dated October 2021¹ submitted with application 65428/FUL. This Addendum must be read in conjunction with that earlier statement, which is submitted alongside other supporting documentation in this Application. This Addendum serves as a higher-level summary of the main points drawn out of earlier versions and ongoing dialogue with the Applicant, his team and the Council's various technical officers.
2. Whilst the current proposal must be considered afresh and on its own merits, it is also important that the Application is seen in its full evolution, having had the benefit of earlier advice from officers of the Council and having responded/reacted to that advice as well as comments made by interested parties through consultation.
3. This Application is considered to be the least intrusive form of development that can result in a viable form of regeneration/redevelopment of the site, whilst also seeking to address a dramatically unmet need in the local area i.e. housing.

Background

4. The Lord Raglan had been a public house for a significant period of time, but following its demise and a failed attempt by local residents to purchase it in line with their 'right of first refusal' under an earlier Listing as an Asset of Community Value (ACV), it is neither a local public house, nor an ACV.
5. It is a Listed Building and sits within a Conservation Area.

Site

Listed Buildings

6. The Lord Raglan is a Listed Building set adjacent to a number of terraces which are also Listed Buildings. Together they form a group listing. Further and better details on this heritage asset is set out in the Heritage Statement and Addendum, dated September 2023.²

¹ Prepared by EdgePlan on behalf of the Applicant

² Prepared by rps

7. There is a record that it was listed 'for its special architectural or historic interest', but the details only mention:

'Stone, painted white, with moulded stone cornice and stone chimney. Added square porch. Four windows with modernised glazing bars.'

8. Whilst recognising the importance of the listing as a point of law one must consider it in context and in light of its recorded justification and impact on the wider heritage assets. The Lord Raglan was only listed as part of its surroundings and only then in small contribution. The proposal to bring it back into reuse, by way of redevelopment and regeneration must therefore be seen as an enhancement of the listing, particularly given the very scant detail provided and absence of genuine contribution for anything that might otherwise be missing or lost by the continued dilapidations of the building if it is left in its current condition.
9. The heritage value and improvements to be drawn from this proposal are more detailed and explained in the Heritage Statement and Addendum therefore, also submitted in support of this Application.

Green Belt

10. The site sits within the Greater Manchester Green Belt.
11. Development in the Green Belt is considered inappropriate unless it meets an exception or can demonstrate Very Special Circumstances.
12. In our view, part of this proposal at least meets an exception, in that it includes the extension or alteration of a building which is not disproportionate in respect of additions above or over the size of the existing building i.e. the works proposed to The Lord Raglan would neatly sit within this acceptable form of development³.
13. The additional apartments could arguably fall within the exception that allows for partial redevelopment of previously developed land⁴, recognising that the car park area is previously developed land. Considering the second limb to this exception, in our view, allowing for the redevelopment of the car park area would not have a greater impact on the openness of the Green Belt than the existing hard surface. Openness is accepted as being more than just the visual and whilst the building houses on the car park area will result in taller development than the existing car park area, the imposition in our view of a hard surface within the green context of surrounding area is more harmful and imposing than well designed housing which will lend aesthetically pleasing views to, from and across the site into the Green Belt. Sympathetic landscaping will also introduce more opportunity for environmental enhancement which is a positive impact on openness and Green Belt value.

³ Paragraph 149(c) of the NPPF

⁴ Paragraph 149(g) of the NPPF

14. Whilst the proposal does not include affordable housing, given the dire situation with housing in the Council's area it is considered that any housing delivery must be given great weight. Whilst the Council continues to fail it carries a shortfall in its housing delivery each year on year, which ought to have imposed a buffer by central government which requires more than has been calculated by the Council.
15. In the present case, the Council fails in all regards and at last publication⁵ it recorded 1.7years Housing Land Supply against a need of a minimum of 5years.

Planning History

16. 59669 – listed building consent for installation of defibrillator and cabinet on front elevation at Lord Raglan; Approved 31 March 2016
17. 64476 – conversion of existing public house to 4no. apartments and erection of 6no. terraced houses; withdrawn 10 Dec 2019
18. 64594 – listed building consent for conversion of existing public house to 4no. apartments; withdrawn 10 Dec 2019
19. 65428/FUL – conversion of existing public house to 4no. apartments and erection of 4no. terraced houses; refused 14 April 2022

Planning Policy

20. NPPF
21. UDP
22. H1/2 Further Housing Development
23. H2/1 The Form of New Residential Development
24. H2/2 The Layout of New Residential Development
25. H2/4 Conversions
26. EN1/1 Visual Amenity
27. EN1/2 Townscape and Built Design
28. EN1/3 Landscaping Provision
29. EN2/1 Character of Conservation Areas
30. EN2/2 Conservation Area Control
31. EN2/3 Listed Buildings
32. EN9/1 Special Landscape Areas
33. OL1/2 New Buildings in the Green Belt
34. OL1/3 Infilling in Existing Villages in the Green Belt
35. Bury Local Plan
36. Places for Everyone Joint Plan

⁵ Published in Planning Resource Magazine, English Council's published HLS positions as of 6 June 2023

Legislation

37. Planning (Listed Buildings and Conservation Areas) Act 1990

Proposal

Housing

38. The latest proposal seeks permission for 8 residential units in total; 5 apartments to be converted within The Lord Raglan and 3 terraced houses to be built on the existing car park.
39. This is a not insignificant contribution to the area, particularly in recognition of the Council's failure to provide sufficient housing.
40. Furthermore, it delivers two types of accommodation; apartments through the reuse of the building and terraced housing on previously developed car park land. So not only contributing to the housing delivered in the area, but contributing to the choice and availability of different types of housing for those expecting different needs to be met from housing in the Bury area.

Very Special Circumstances (VSCs)

41. Whilst there are no determinative circumstances that will be considered very special so as to automatically enable development in the Green Belt, caselaw and appeal decisions have shown certain criteria capable of amounting to VSCs.

Conservation of a listed building

42. At the heart of this proposal is the retention of the listed building. Whilst criticism has been levied in previous applications by objectors who believe this proposal is sought for profit alone, it would be much easier to suggest demolition of the redundant listed building and replacement with something more capable and robust to redevelopment. The Council's failure to properly plan for housing in its area puts all available land and buildings at this risk, because triggering the national policy position as opposed to being able to solidly rely upon their own local plan policies, in terms of housing at least, means that the Council would struggle to justify any reason for refusing housing unless and until it is able to improve its housing delivery.
43. That said, the Applicant in this case is serious about reusing the listed building. He has chosen to instruct specialist heritage consultants to advise on the best means and methods of bringing back the property into a viable and longstanding repurpose. Whilst housing might not have been the first choice of officers or objectors, it is the most likely to generate the quickest reuse. There are significant waiting lists for houses and the Council has acknowledged this in its own area, so it is fair to expect that these houses will not require any great degree of marketing.
44. In reusing the buildings fabric in the manner proposed, it will ensure the buildings longevity and sustainability for years to come. Rather than the position if this development is not approved,

which could result in the building standing empty for a significant period of time whilst an alternative, viable and practical option is considered. In the meantime, it might be necessary to consider interim/temporary uses, which are permitted by law in line with its previous use, noting that temporary or interim uses will not necessarily interrupt or change the character or permitted use of a property.

Under-delivery of housing land supply

45. The Council is unable to meet its obligation to provide housing. Its last publication asserted only 1.7 years of housing land supply.
46. Whilst ordinarily a proposal seeking permission for housing cannot in itself constitute a VSC, in cases where the Council has proven, year on year, to fail to provide sufficient housing any contribution made by applicants must be afforded additional weight. In this case, where the provision of housing by the Council is so low one must afford greater weight to any proposal for housing that will be delivered in the next 5 years, as in the case of this development.
47. The Case Officer's report⁶ recorded that the Council was "desperate for new housing and North Manor has a child poverty rate of 22.9% and a 33% rate for the wider town".
48. This must also be coupled with the Council's failure to bring itself up to date by way of Development Plan Management. Its reliance on an UDP adopted in 1997 despite having saved policies provides no local steer. The UDP must be considered outdated and in turn its policies given less weight, if any weight may be afforded at all.
49. Consequentially, one must look to national policy and in that regard not the presumption in favour of sustainable development, coupled with the housing crisis, which weighs in favour of permitting schemes that contribute to local housing numbers.

Economic benefit

50. Short-term economic benefit derived from the construction of the development has usually been given little or no weight, but it is reasonable to include it in any overall consideration. In this case there will be an increase in local economy during construction, but of more consequence, once the housing is built it will increase the economic prosperity of the area permanently once occupied. The occupants will pay Council Tax, contributing to the Council's coffers and ability to maintain public services. They will also contribute to local services, which will help better protect and manage ongoing services and maintenance. Some pay work locally and contribute to the employment numbers, whilst others may have children who help bolster local educational places and help sustain local schools and outside classes and or afterschool placements.
51. The economic benefit of bringing back into use this currently disused property is likely to also help improve the local economic landscape of neighbouring properties, better presenting the

⁶ Application reference 65428/FUL

area, arguably raising the economic setting of other properties in response to the new housing which will be marketed, potentially triggering a re-evaluation of local prices to take account of new stock and greater choice.

Site-specific circumstances – Green Belt, Listed Building, previously development land

52. Whilst clearly within Green Belt the contribution the site makes to the Green Belt in a traditional manner is low. In its current form, the previously developed land, including the car park make negligible contribution to Green Belt principles. Arguably they detract from the wider Green Belt benefits. Whilst new development is effectively prohibited to the most part, this is not stereotypical new development. This is redevelopment of a previously developed site, which has been sensitively designed and considered in context of its historic, environmental and heritage and conservation settings. Its reinauguration will benefit the Green Belt immensely.

Community benefit

53. Whilst the loss of the public house is noted to have been of previous concern to locals, the business was clearly not viable, which resulted in its closure. Subsequently, despite having had the opportunity to acquire it through ACV first option of sale it was unsuccessful for residents to take over its management.

54. The redevelopment of The Lord Raglan for housing is of a similar degree – if not more – community benefit because it will continue to support the local people (albeit in a different manner; not leisure like the public house previously) by providing much needed housing. It will also remove the current ‘eye-sore’ of an underused/disused property and hard-surfaced car park from its area, improving the views to, from and across the site and beyond.

Environmental benefit

55. Currently in an increasingly dilapidated state, likely to continue to deteriorate without any carefully considered viable redevelopment this proposal presents a viable opportunity to introduce improved environmental elements where current car parking/hard surfacing, contributing not just to the development and its intended occupants, but to the wider context of Green Belt and natural environment surrounding the site.

56. By introducing new occupants to an area of Green Belt currently covered in hard standing, it will introduce a new type of custodian. Residents with pride in their new homes, in a picturesque landscape, able to look after and tend to their homes and monitor the green spaces beyond. Removing the car park will remove any enticement for criminal activity that might otherwise take place in this type of empty area, without anyone able to keep an eye over it. This will improve safety and amenity of the area and its surroundings.

Conclusion

Policy position

57. The UDP is out of date and whilst the Council has sought to save policies through its ongoing attempt to progress a Local Plan it must be recorded that there is little or no progress and an anticipated adoption “subject to the timetable of the Planning Inspectorate”⁷ of mid-2024 one must consider the UDP policies out of date and of little or no weight.
58. The consequence of this position is that the NPPF must be looked to for policy compliance. In that respect the Application as a whole, with the support of various consultants expert assessments and reports clearly and demonstrably conclude how this proposal meets the criteria and needs of the NPPF as a whole, but in particularly in respect of housing and associated infrastructure.
59. In our view, the Council is attempting to use its UDP policies in order to thwart the proposed development, but this, together with the significant failing in respect of housing delivery, must contribute to context and be given great weight in support of the development. Policies prepared for the UDP in 1997 cannot be said to have regard of the latest national policy positions and must be considered out of date. Whilst some of the policies have been saved under the Town and Country (Local Planning) (England) Regulations 2012 in our view those are to be considered as short-term transitional arrangements whereby a local authority has an opportunity to provide an interim measure until a local plan is progressed. The gap between the UDP and the ‘emerging’ Local Plan cannot be considered short-term or interim. The delay is unjustified and despite the Council recognising in its Local Plan documentation that there is scope for SPD’s to be carried forward in line with Saved Policies, it has even failed to progress anything it seeks to refer to in considering this scheme or any of its earlier connotations.
60. The Applicant has considered the policies referred to by earlier officers and taken them on board as requested, but seeks to rely upon national policy in which respect it is considered this proposal wholly complies.
61. In any event, for the sake of completeness, this scheme would not contradict the UDP in so much as it relates or applies to the proposed development.

Heritage

62. Whilst listed, The Lord Raglan’s contribution to heritage is limited. The legal justification for listing is recorded as ‘included for Group Value only’ and one must assume, by the fact that directly adjacent properties have their own individual listings, that it is as a consequence of that grouping that the public house saw itself listed.
63. Its original use, as a public house, as long been ceased and in its current form it stands without any community value or viable purpose. If allowed to continue to be unused it presents a blot on the landscape, without any discernible contribution or worst still, with potential to detract from the otherwise scenic and aesthetic views to, from and across the Site and surround Conservation Area.

⁷ Bottom of page 9 [Local-Development-Scheme-Feb-2022 \(bury.gov.uk\)](https://www.bury.gov.uk/local-development-scheme-feb-2022)

64. Neighbouring listed buildings; 8-10 Mount Pleasant, 11 and 12 Mount Pleasant, 13-28 Mount Pleasant, 35-40 Mount Pleasant and High Hope Farmhouse will for all intents and purpose be unaffected by the proposal in terms of operational development or proximity. However, the views to, from and across these listed buildings – potentially affecting their settings, albeit from a legal perspective not falling within the technical setting; not being within their curtilage, the Applicant has taken great care and effort to maximise the heritage value afforded to the locality by these properties.
65. Whilst any and all development carries harm, the harm of the proposed development in regard to its effect on listed heritage is less than substantial⁸. The benefits of reuse of the existing building should not be undermined or considered less than the harm caused by its listed status, as considered in the recent Manchester City Council grant of planning permission for Reedham House following Gove MP's decision not to call-in the decision despite Historic England's concerns in response to the proposed demolition.⁹
66. The harms identified as potentially arising from this development must be weighed against the many public benefits; environmental, economic and social. The proposed development is seen to greatly outweigh the less than significant harm that might arise to the listed properties.
67. In any event, the Applicant is attempting to preserve the characters which are considered to draw value, above and beyond the limited 'Group Value' description on the listing, seeking to enhance the beauty of the built form, whilst bringing about its purposeful reuse that will protect its future usefulness.
68. In our view, the Applicant's proposal can enable the Council to record that it has special regard to the desirability of preserving the building or its setting¹⁰, in context with the features or special architectural or historic interest which it possesses, noting the very limited features recorded as protected by way of listing and the fact that the Applicant has sought to retain a large degree of historic fabric.

Conservation

69. The Lord Raglan and its car park sits within the Mount Pleasant Conservation Area.
70. The Mount Pleasant Conservation Area Appraisal does mention The Lord Raglan, but only to recognise it as a "popular leisure amenity"¹¹. However, as noted, in part due to decreasing popularity the public house since operation and so the value attributed to it within the Conservation Area, must be considered lost.

⁸ Paragraph 196 NPPF requires less than substantial harm to be weighed against public benefits

⁹ Applications for Planning Permission and Listed Building Consent submitted by Property Alliance Group under references 135028/FO/2022 and 135029/LO/2022 respectively, granted permission July 2023

¹⁰ In line with section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990

¹¹ Paragraph 2.0

71. To the same degree, there is no mention of its car park or any value attributable to the Conservation Area in the Appraisal.
72. The conclusion must therefore be that in terms of Conservation Area value there is more merit and weight in allowing its development, which will bring about preservation and enhancement¹² of the Conservation Area, than in seeking to protect the value that had once been recorded.
73. For the reasons set out above and more particular detailed in the supporting Application and various technical assessments, reports and statements, we invite the Council to consider this Application favourably and grant permission having resolved earlier refusal grounds and covered more in terms of benefits to be derived from this development as a complete scheme.

¹² In line with section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990