

DELEGATED REPORT

Report by Sam Summers	Date of report: 15/09/2025	Ref: 71024/FUL
Registration: 12/09/2024	LDfC: 10/10/2024	Expiry Date: 07/11/2024
Site Visit: 06/06/2025	Site Notice: 15/10/2024	Press Date: 17/10/2024
Objections: 0	Con Area: BURY	Adv Type: ASB
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MIOT

Proposal: Replacement of timber windows at first and second floor levels with timber framed sliding sash style windows

Location: 28 Haymarket Street, Bury, BL9 0AY

Description

The application site is located with Bury Town Centre conservation area within the setting of Grade II listed buildings/ designated heritage assets, namely the Lancashire Fusiliers building on Broad Street, adjacent to the application property, and Kay Monument (Grade II listed) within Kay Gardens, opposite the front elevation of the application site.

The application building has timber 2 over 2 top hung opening sash windows at first floor level. At second floor level exists 9 light top hung openings.

Planning permission is sought to replace the upper floor windows with timber framed sliding sash style timber windows

Relevant Planning History

70514 - Prior approval for proposed change of use of first and second floors from commercial (Use Class E) to 4 no. flats (Use Class C3) - Prior Approval Required and Granted, 10/04/2024

13/0034 - Illuminated fascia advertisements - 13/02/2013

Publicity

The planning application has been advertised in the Bury Times and by Press Notice.

Letters sent 13/09/2024 - No Responses Received

Statutory/Non-Statutory Consultations

Conservation Officer - The proposal to replace with aluminium windows would not be acceptable, any replacement windows should be timber sliding sash.

Pre-start Conditions - None

Development Plan and Policies

EN1/1	Visual Amenity
EN2/1	Character of Conservation Areas
EN2/2	Conservation Area Control
Area	Bolton Street/Market Place
BY3	
S1/1	Shopping in Bury Town Centre
S2/3	Secondary Shopping Areas and Frontages

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 key consideration in the assessment of this application is the Planning (Listed Buildings and Conservation Areas) Act 1990 which the LPA has a statutory duty to abide by.

Section 66(1) of the above-mentioned 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.

Bury Town Centre Conservation Area is on Historic England's register as being at Risk due to a lot of modern unsympathetic alterations taking place, shop fronts being changed and traditional timber windows being replaced with aluminium and UPVC windows and other unsympathetic alterations, resulting in the heritage significance in the Town Centre being noticeably diluted.

The original application was for aluminium windows however this has now been changed to timber sliding sash style windows which would at least preserve the conservation area and would therefore be acceptable.

Details of the proposed windows have been submitted and as such it is not considered necessary to impose a condition for sample window(s) to be submitted prior to commencement.

NDHA - The building itself is considered to be an NDHA and for the same reasons as above and as a constituent part of the conservation area the proposal would not cause harm to or loss of significance of the building as an NDHA.

The proposal would therefore comply with adopted UDP policies EN1/1-Visual Amenity, EN2/1-Character of Conservation Areas, EN2/2-Conservation Area Control

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 the expiration of three years from the date of this permission.

Reason: To comply with the requirements of section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2 This permission relates to the following plans and documents:

Drawing no. S496-04 - Location Plan;
Drawing ref: S496-04 - Site Plan Proposed;
Drawing ref: S496-100/A - Existing and Proposed Elevations;
Drawing ref: S496-101/A - Window Details;
Drawing ref: PJ016-02 Rev: 1 - Sliding Sash Section; and,
Sliding Sash Window Brochure
Carbon and Energy Statement
Heritage Statement

Except as provided for by other conditions to this permission, the development shall be carried out in complete accordance with the approved drawings and documents.

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>
SS	15/09/2025	DM -	16/09/2025