

DELEGATED REPORT

Report by Claire Booth	Date of report: 04/07/2023	Ref: 69418/LBC
Registration: 06/03/2023	LDfC: 21/04/2023	Expiry Date: 01/05/2023
Site Visit:	Site Notice: N/A	Press Date: 30/03/2023
Objections: 0	Con Area: BURY	Adv Type: LBCA
Reason for Delay:		EIA: NA
N/A		Dec Level: DEL
		Stat Class: LBAL

Proposal: Listed Building Consent for the change of use of existing offices to 9 no. apartments with internal and external alterations, the provision of bicycle rack and bin storage and a new boundary wall and gates at rear

Location: 18-20 St Marys Place, Bury, BL9 0DZ

Description

The application relates to a pair of townhouses, number 20 being an end terraced property and number 18 being the mid terraced property. In effect the properties have been combined as one occupied area. The original property is from the late Georgian period in a row of similar terraces which are all Grade II listed is within Bury Town Centre conservation area.

The terrace, built in the late Georgian style, fronts onto an open square now used for parking. The properties on St Marys Place are mainly two-storey but have cellars and a usable roof space. Each property within the terrace is of two bays with three windows and a door in the front elevation and both single and two storey outshots and a mix of windows at the rear. All roofs are pitched and covered in natural blue slate. The properties were built as dwellings in the expanding residential part of the town centre that prospered in the early to middle of the 19th century. The original rear gardens are now completely taken over by private car parking/ open hardstanding.

The properties subject to the application have been knocked through to form one unit and have been significantly altered internally. They were last used as offices by the Council, which falls into a E (b) (Office) use class. The property has been vacant for approximately two years.

Listed Building Consent is sought for the works associated with a proposed change of use of the building from an Office (Use Class E) (one planning unit) to 9 self contained apartments, external alterations changing external escape doors to windows, changing a ground window to a door, and for the erection of boundary wall along the rear boundary of the property. There would be 4 apartments on each of the ground and first floors with an apartment proposed within the loft space.

Relevant Planning History

66370 - Listed building consent for installation of fibre cables into the building - Withdrawn - Invalid 19/01/2021

66730 - Listed building consent for installation of fibre cables into the building - Approve with Conditions 17/05/2021

69417 - Change of use of existing offices (Use Class B1) to 9 no. apartments (Use Class C3) with internal and external alterations to include provision of bicycle rack and bin storage and erection of boundary wall and gates at rear - Under consideration.

PLEASE NOTE THIS IS NOT ALL THE HISTORY.

Publicity

Due to the site being a Grade II listed building, located within the Bury Conservation Area, the application has been advertised by Press Notice and Site Notice. 41 adjoining and nearby neighbours have also been notified by letter.

No representations have been received to this public consultation.

Statutory/Non-Statutory Consultations

Conservation Officer - No objections, subject to the recommended pre-commencement conditions

Pre-start Conditions - Applicant/Agent has agreed with pre-start conditions

Unitary Development Plan and Policies

EN2/3 - Listed Buildings

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.

ASSESSMENT

Impact on character of Listed Building

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.

The application property, which was originally constructed as a block from number 2 to number 20 built in 1845, consists of well proportioned early Victorian townhouses, most of which have two storey outriggers to the rear. In this particular case, there is also a further more modern outrigger, period of construction possibly 1980's/1990's. At the same time, the wall facing east abutting the boundary of the East Lancashire Railway, in the existing outrigger, was rebuilt and then the extension beyond that. Furthermore, the gable end to number 20, which faces onto the railway was also rebuilt.

The property was formally owned by the local authority and 18 to 20 were in effect one property with structural openings in the party wall between number 18 and number 20. Many of the features internally are missing. There are no original fireplaces and the only detailed cornice is within the hallways of number 18 and 20.

There is only one original staircase which is in number 18. The staircase to number 20 was removed, and there is no original staircase up to the attic rooms. The one which leads up to the attic room currently which is situated in number 20 is a modern staircase.

The internal joinery is a mixture of some original skirting, but very few and the architraves and linings to the windows have all been renewed in a more modern material, in some cases pvc. The windows are timber softwood sliding sash and double glazed.

Unfortunately, much of the interior has been lost in terms of its quality, with only the hallways and archways on the ground floor retaining their original features.

The hallway, Archway and the original stairway are to be retained as part of these proposals.

Externally, all existing windows and doors are to be refurbished and re-painted. This will be an improvement to the existing appearance of the building.

Changes proposed to the external fabric of the building include altering a ground floor window on the west side elevation of the original two-storey outrigger is proposed to be altered to a doorway, to create a rear access door to the proposed outside amenity area, a steel escape stair to the eastern elevation is to be removed with the first floor doorway changed to a window. Mechanical ventilation extraction points are proposed on both sides of the two storey outrigger. It is proposed to install 6 roof lights on the rear roofslope, 3 on each property to give natural light to the stairwell, lounge, bedroom and en-suite. The front elevation of the property is to remain unchanged and would be enhanced by the windows

and doors being refurbished and re-painted.

The LPA initially had concerns over the introduction of a new door on the western elevation of the two-storey rear outrigger. However, the LPA has secured alteration of the existing window only (rather than part of the original wall). This change is considered to be much less harmful to what was originally proposed and would be much more sympathetic to the original part of the two storey outrigger.

The character of the building would not be particularly altered by the proposals as there are no additional openings, except for the one door opening on the inward facing element of number 18, the removal of two single chimney stacks within the rear outrigger and the introduction of 6 rooflights to the rear, none of which are particularly significant as has been assessed within the submitted heritage statement.

The above proposals are considered to cause less than significant harm to this designated heritage asset. Therefore, provided all external changes are carried out sympathetically, and the proposed infill where doors are being altered to windows, are undertaken in sympathetic materials and the alteration proposed changing the ground floor window on the western elevation to a door is done sympathetically, and the mechanical vents are as per the details submitted, the re-occupation and re-use of the building will safeguard this listed building from further deterioration and secure a viable future for the listed building. Accordingly, subject to planning conditions ensuring appropriate materials are used externally, the proposals accord with the requirements of paragraph 202 of the NPPF and S66(1) of the Town and Country Planning (Listed Buildings and Conservation Area) Act 1990 (as amended).

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 beginning with the date of this permission.

Reason: Required to be imposed pursuant to Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

- 2 This permission relates to the following plans:

Dwg. no. 22/1289/100 - Location Plan - Submitted with application
Dwg. no. 22/1289/201D - Proposed Site Plan - Submitted with application
Dwg. no. 22/1289/206A - Streetscene - North elevation, received 30.05.2023:
Dwg. no. 22/1289/201D - Proposed Site Plan, received 06.05.2023
Dwg. no. 22/1289/208A - Proposed Section through Attic, received 06.05.2023
Dwg.no. 22/1289/202F: Proposed Ground Floor and Cellar Layouts, received 06.05.2023
22/1289/203D: Proposed First Floor and Attic Layouts, received 06.05.2023

22/1289/204D: Proposed Elevations, received 06.05.2023;
22/1289/205A: Proposed Streetscene - South Elevation, received 06.05.2023;
Flushfit Slate Vent VS2 - Product Code: ILSRV/10/20 received 26 May 2023; and,
Cast Iron Air Brick Specification Sheet - Item NoS: CON, received 26 May 2023

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

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 and the National Planning Policy Framework.

- 3 Prior to any works commencing externally on the building, a window and door repair and refurbishment methodology shall be submitted to and approved in writing by the Local Planning Authority. The methodology shall include details of the repair/refurbishment of windows, doors, architraves and linings, the colour of paint to be used, the ironmongery suitable to the character of the doors and windows. The details shall also include the replacement of any PVC architraves and linings with timber, the details of which shall be submitted to and agreed in writing by the Local Planning Authority.

Prior to occupation of any of the apartments the approved details shall be implemented in full.

Reason. In order to preserve the special architectural or historic interest of the building, in accordance with Policy EN2/3 - 'Listed Buildings' of the Bury Unitary Development Plan and the National Planning Policy Framework.

- 4 All replacement or rainwater soil pipes shall be in cast iron or aluminium and painted black, unless otherwise approved in writing by the Local Planning Authority.

Reason. To ensure a satisfactory appearance to the development in the interests of the character of the listed building and the conservation area, in accordance with policies EN2/1, EN2/2 and EN2/3 of the Bury Unitary Development Plan and the National Planning Policy Framework.

- 5 Notwithstanding the approved plans, drawing no. 22/1289/208A, the mechanical roof vents shall be in either cast aluminium or cast iron and sit flush with the roof and be black in colour.

Reason: To ensure a satisfactory appearance to the development in the interests of the character of the listed building and the conservation area, in accordance with policies EN2/1, EN2/2 and EN2/3 of the Bury Unitary Development Plan and the National Planning Policy Framework.

- 6 All roof lights shown on drawing nos. 22/1289/204D and 22/1289/208/A shall be of a 'conservation style' to sit flush with the roof surface and shall not protrude from the roof plane.

Reason: To ensure a sympathetic relationship with the character and appearance of the host Grade II listed building(s) and the conservation area in accordance with the requirements of Policies EN2/1, EN2/2 and EN2/3 of the Bury Unitary Development Plan and the National Planning Policy Framework.

- 7 Prior to any of the approved external alterations taking place, sample materials for the proposed brick infills shown on Drawing no. 22/1289/204D: Proposed Elevations, the side elevations of the building where doors are being changed to windows shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the duly approved materials prior to occupation of any of the apartments hereby approved.

Reason: To ensure a satisfactory appearance to the development in the interests of the character of the listed building and the conservation area, in accordance with policies EN2/1, EN2/2 and EN2/3 of the Bury Unitary Development Plan and the National Planning Policy Framework.

- 8 Prior to any of the approved external alterations taking place, sample materials for the proposed boundary wall, railings and gates shown on Drawing nos. 22/1289/206A, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the duly approved materials prior to occupation of any of the apartments hereby approved.

Reason: To ensure a satisfactory appearance to the development in the interests of the character of the listed building and the conservation area, in accordance with policies EN2/1, EN2/2 and EN2/3 of the Bury Unitary Development Plan and the National Planning Policy Framework.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
CB	04.07.2023		