

DELEGATED REPORT

Report by Mark Kilby	Date of report: 28/08/2026	Ref: 73398/LBC
Registration: 06/07/2026	LDfC: 20/08/2026	Expiry Date: 31/08/2026
Site Visit: 05/08/2026	Site Notice: 05/08/2026	Press Date: 06/08/2026
Objections: 0	Con Area: BURY	Adv Type: LBCA
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: LBAL

Proposal: Listed Building Consent to dismantle the roof and various parts of the facade and storage of salvaged material following a fire

Location: Ground Floor & First Floor to Third Floor Parts, 1 The Rock, Bury, BL9 0JP

Description

The application site relates to a four storey Grade II Listed Building with room in the basement which is located at the end of a main pedestrianised shopping street within Bury Town centre and the Conservation Area. The front and side elevations of the building abuts the back edge of the pavement.

The building forms the first of a row of premises in a main shopping area which are in retail or commercial uses, some with office/storage or residential flats above. To the west across a cobbled side access street is St Mary's Church, also a Grade II Listed Building. At the rear are the gardens to the rectory which are separated from the site by the back access alley, North Back Rock, and a stone wall.

The building is currently in use as a shop at ground floor with storage in the basement level and offices at the upper floor which were/are vacant.

The building itself is a 4 storey red brick built, with mock timber framing. It is characterised by floor to ceiling window openings in the Neo Medieval style to each floor including stained glass and oriel windows and a decoratively designed side entrance incorporating a dated coat of arms.

No.1 The Rock was built in 1874 as Union Buildings. It occupies a prominent site on the corner of The Rock and the narrow lane to the west, North Back Rock. It is four storeys in height and designed in an exuberant and distinctive neo-Medieval style, in red brick with stone dressings and mock timber framing. The building is grade II listed and situated in the Bury Town Centre Conservation Area. As such it makes a positive contribution to the conservation area.

A fire broke out in the building on 23rd November 2025 and caused extensive structural damage to the uppermost floor and roof structure. Following a post fire inspection, emergency works to stabilise and support the building were carried out.

Section 9(3) of the Planning (Listed Building & Conservation Areas) Act 1990 states that: -

9(3) - In proceedings for an offence under this section it shall be a defence to prove the following matters—

(a) that works to the building were urgently necessary in the interests of safety or health or for the preservation of the building;

(b) that it was not practicable to secure safety or health or, as the case may be, the preservation of the building by works of repair or works for affording temporary support or shelter;

(c) that the works carried out were limited to the minimum measures immediately necessary; and

(d) that notice in writing justifying in detail the carrying out of the works was given to the local planning authority as soon as reasonably practicable.

This application seeks to regularise the works undertaken in accordance with the provisions of Section 9(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as a defence of the works being carried out in an emergency without authorisation.

Relevant Planning History

71533 - Variation of condition 2 (approved plans) on planning permission ref. 68111 to re-glaze existing rooflights, addition of 4no. conservation rooflights and internal amendments to comply with fire regulations, show more of the historic fabric and create better layouts for future occupiers - Approve with Conditions 07/04/2025.

71927 - Change of use of basement, rear of ground floor and 1st/2nd/3rd/4th floors from commercial (Class E) to 10 no. self-contained flats with external alterations - Refused 09/10/2025

71928 - Listed building consent for change of use of basement, rear of ground floor and 1st/2nd/3rd/4th floors from commercial (Class E) to 10 no. self-contained flats with external alterations - Refused 09/10/202.

Publicity

Press Notice - 6/8/26 no comments received, site notice - 5/8/26 - no comments.
Neighbouring addresses no requirement to notify individual addresses.

Statutory/Non-Statutory Consultations

Listed buildings - National Amenity Societies have commented as follows:

Having reviewed the application carefully, we recognise the need for the works to ensure public safety and we are content to defer to the expertise of your Authority's conservation department.

However, we emphasise the importance of ensuring that the building is made secure and weather-tight to prevent further decay of the national significance and character of this Grade II-listed building. We also highlight the need for reconstruction of the building as accurate to its pre-fire state as is possible to be done in a timely and appropriate manner. These could be achieved through conditions of any approval given by Bury Metropolitan Borough Council.

Pre-start Conditions - None.

Development Plan and Policies

EN2/3	Listed Buildings
JP-P2	Heritage
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), 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 PpE 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.

Listed Building -

The following site inspection reports and assessments have been submitted which provide in detail the post fire event structural surveys, assessments and drone surveys carried out which support the requirement that the works carried out were required as a matter of an emergency, as the fire damage caused immediate risk to health and safety and to the protection of the building.

Site Inspection Report - MJC25/11/449 dated 25/11/25, Heritage Impact Assessment dated June 2026, Existing elevations SK01, SK02 and SK03, Marston and Grundy LLP - Consulting Engineers - Post Fire Preliminary Inspection Report dated 5/12/25, Marston and Grundy LLP - Consulting Engineers - 1 The Rock - Strategy for Re-Use of Salvaged Structural Elements, Acero - 1 The Rock - Open Tasks (Detailed) dated 16/3/26, Acero -

Conservation Method Statement for Emergency Dismantling and Stabilisation Works dated 31/12/25

MJC Site Inspection Record dated 25/11/25 reports:

The inspection confirms that the upper floors and roof structure have suffered significant fire damage and that the front, rear and internal gables along are currently unstable and unrestrained. The building envelope at the upper levels are also considered to be partially unrestrained due to the damage sustained to the floor structures, although the critical element at this moment in time are the gables which are essentially freestanding.

The building is unsafe in its present condition, and no further access or works should be undertaken until the recommended stabilisation measures are in place. These include debris removal, scaffold strengthening, installation of a full façade retention system and internal propping between gables. Once stabilised, controlled removal of fire-damaged materials and detailed permanent works design can safely proceed.

Also submitted is a strategy for the dismantling, cataloguing and storage of historic fabric removed as a matter of urgency to facilitate a restoration to the fire damaged parts of the building.

It is accepted the detailed reports and surveys satisfy the provisions under sub sections (3) a to d of section 9 and as such there is a justified defence in carrying out the works as a matter of urgency and as such listed building consent should be granted for the emergency works carried out.

A condition added to a consent as suggested by the National Amenity Society to secure the buildings' restoration should not be added as it could not be enforced as the consent would relate to regularised works only and as such a building owner cannot be compelled to submit an application. Such restoration work would to be subject of possible listed building enforcement action if a listed building consent application for restoration did not come forward.

A condition has been added to ensure no further works are carried out beyond the scope of the emergency works applied for to be regularised without authorisation from the Local Planning Authority.

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 works of dismantling, storage and strategy for re-use hereby retrospectively approved, shall not extend beyond the scope and recommendations of the submitted documents hereby approved without the written authorisation of the Local Planning Authority: Site Inspection Report - MJC25/11/449 dated 25/11/25, Heritage Impact Assessment dated June 2026, Existing elevations SK01, SK02 and SK03, Marston and Grundy LLP - Consulting Engineers - Post Fire Preliminary Inspection Report

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dated 5/12/25, Marston and Grundy LLP - Consulting Engineers - 1 The Rock - Strategy for Re-Use of Salvaged Structural Elements, Acero - 1 The Rock - Open Tasks (Detailed) dated 16/3/26, Acero - Conservation Method Statement for Emergency Dismantling and Stabilisation Works dated 31/12/25.

Reason. In order to preserve the special architectural or historic interest of the building.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
Mark Kilby	28/8/26	DM	28.08.2026